

THURSDAY, MAY 22, 2003
FORTY-FOURTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:30 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Dr. Doug Plumlee of First Baptist Church in Pulaski, Tennessee, a guest of Senator Jackson.

PLEDGE OF ALLEGIANCE

Senator Jackson led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

COMMUNICATION

May 22, 2003

Lt. Governor John S. Wilder
Suite 1 Legislative Plaza
Nashville, Tennessee 37243

Dear Gov. Wilder:

Due to the fact that I am scheduled to be the guest speaker at a graduation in my district, I will have to leave early and will be unable to attend the second half of Session today. If needed for any reason in regards to voting or any other matter, the Chief of Staff is able to get in contact with me via cell phone or through my office staff. If there is any question in regard to this letter, please contact my office at 741-2061.

Thanks,

/s/ Micheal R. Williams
State Senator

PRESENTATIONS

Senator Bryson presented **Senate Joint Resolution No. 454** to Mr. Jerry Chestnut.

Senator Fowler presented **Senate Joint Resolution No. 437** to the Family Christian Academy Mock Trial Team.

STANDING COMMITTEE REPORT
ENVIRONMENT, CONSERVATION AND TOURISM

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1022 with amendment; and House Joint Resolution No. 189 with amendment.

MILLER, Chairperson
May 21, 2003

The Speaker announced that he had referred Senate Bill No. 1022 with amendment; and House Joint Resolution No. 189 with amendment to Committee on Calendar.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 2044 by Mr. Speaker Wilder.

Hardeman County -- Subject to local approval, revises certain budget procedures relative to the education fund. Amends Chapter 68 of the Private Acts of 1937.

Senate Bill No. 2045 by Senator Beavers.

Macon County -- Subject to local approval, enacts nuisance law for health and sanitation violations, to provide regulations for health and sanitation upon properties within Macon County.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 189 -- Labor -- Enacts "Equal Pay Remedies and Enforcement Act". Amends TCA Title 50, Chapter 2.

House Bill No. 837 -- Judicial Officers -- Requires budgets of district attorneys general, public defenders, and court system to include funding provided or available from any source, and limits expenditures by district attorneys general from Fraud and Economic Crime fund. Amends TCA Title 4; Title 8; Title 16; Title 17; Title 18; Title 39 and Title 40.

House Bill No. 874 -- Special License Plates -- Authorizes Department of Safety to issue judiciary plates for motorcycles. Amends TCA Title 55, Chapter 4, Part 2.

House Bill No. 891 -- Education -- Creates task force to establish guidelines for mold abatement in public schools. Amends TCA Title 49, Chapter 1, Part 2.

House Bill No. 1253 -- Courts -- Enacts "Drug Court Treatment Act of 2003". Amends TCA Title 16.

House Bill No. 1411 -- Education, Higher -- Requires that expenditures of higher education foundation benefiting state institution of higher education comply with applicable laws, policies and procedures for expenditures by beneficiary state institution. Amends TCA Title 49.

House Bill No. 1650 -- Pharmacy, Pharmacists -- Enacts various reforms involving formularies relating to prescription drugs and their costs. Amends TCA Title 4; Title 8; Title 12; Title 41; Title 53; Title 56; Title 63; Title 68 and Title 71.

House Bill No. 1793 -- Planning, Public -- Authorizes non-metropolitan municipality to increase board of zoning appeals from three or five members to three, five, seven or nine members. Amends TCA Title 7 and Title 13.

House Bill No. 1958 -- Insurance Companies, Agents, Brokers, Policies -- Requires insurers to reimburse patients for up to two medication counseling sessions with pharmacists. Amends TCA Title 56.

House Bill No. 2072 -- Bond Issues -- Authorizes issuance and sale of bonds in amount not to exceed \$118,000,000 to fund state projects.

House Bill No. 2074 -- Appropriations -- Makes appropriations for fiscal years 2002-2003, 2003-2004.

House Bill No. 2120 -- Decatur -- Subject to local approval, rewrites charter. Amends Chapter 83 of the Acts of 1905.

House Bill No. 2121 -- Clay County -- Subject to local approval, authorizes county legislative body to impose \$25.00 wheel tax on motor-driven vehicles for privilege of using public roads and county highways; excludes motorcycles, motor-driven bicycles and scooters, farm tractors, self-propelled farm machinery and government vehicles.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee:

Senate Bill No. 2043 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 539 by Mr. Speaker Wilder and Senator Herron. Memorials, Public Service -- Randy C. Camp, Commissioner of Personnel.

Senate Joint Resolution No. 540 by Senator Kilby. Memorials, Academic Achievement -- Amy Russ, Valedictorian, Scott High School.

Senate Joint Resolution No. 541 by Senator Kilby. Memorials, Academic Achievement -- David Morgan, Valedictorian, Central High School.

Senate Joint Resolution No. 542 by Senator Kilby. Memorials, Academic Achievement -- Sarah Pierce, Salutatorian, Central High School.

Senate Joint Resolution No. 543 by Senator Cooper. Memorials, Academic Achievement -- Jason Harville, Co-Valedictorian, Sequatchie County High School.

Senate Joint Resolution No. 544 by Senator Cooper. Memorials, Academic Achievement -- Bethany Basham, Co-Valedictorian, Sequatchie County High School.

Senate Joint Resolution No. 545 by Senator Cooper.

Memorials, Academic Achievement -- Lydia Clendenen, Co-Valedictorian, Sequatchie County High School.

Senate Joint Resolution No. 546 by Senator Cooper.

Memorials, Academic Achievement -- Amanda Brooke Henry, Co-Valedictorian, Sequatchie County High School.

Senate Joint Resolution No. 547 by Senator Cooper.

Memorials, Academic Achievement -- Ashley Hopkins, Co-Valedictorian, Sequatchie County High School.

RESOLUTIONS LYING OVER

House Joint Resolution No. 595 -- Memorials, Public Service -- Union County Rescue

Squad, 40th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 595 to Committee on Calendar.

House Joint Resolution No. 596 -- Memorials, Interns -- John Lankford.

The Speaker announced that he had referred House Joint Resolution No. 596 to Committee on Calendar.

House Joint Resolution No. 599 -- Memorials, Personal Occasion -- Elsa R. McMullen, 91st birthday.

The Speaker announced that he had referred House Joint Resolution No. 599 to Committee on Calendar.

House Joint Resolution No. 600 -- Memorials, Congratulations -- General Shale, 75th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 600 to Committee on Calendar.

House Joint Resolution No. 601 -- Memorials, Death -- Terry McGill.

The Speaker announced that he had referred House Joint Resolution No. 601 to Committee on Calendar.

House Joint Resolution No. 602 -- Memorials, Academic Achievement -- David Vermillion, Valedictorian, Greenback High School.

The Speaker announced that he had referred House Joint Resolution No. 602 to Committee on Calendar.

House Joint Resolution No. 603 -- Memorials, Academic Achievement -- Stephen McQueen, Salutatorian, Greenback High School.

The Speaker announced that he had referred House Joint Resolution No. 603 to Committee on Calendar.

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House Joint Resolution No. 604 -- Memorials, Academic Achievement -- Brent McNew, Valedictorian, Loudon High School.

The Speaker announced that he had referred House Joint Resolution No. 604 to Committee on Calendar.

House Joint Resolution No. 605 -- Memorials, Death -- Eugene Joyce.

The Speaker announced that he had referred House Joint Resolution No. 605 to Committee on Calendar.

House Joint Resolution No. 606 -- Memorials, Academic Achievement -- Emily Stafford, Salutatorian, Loudon High School.

The Speaker announced that he had referred House Joint Resolution No. 606 to Committee on Calendar.

House Joint Resolution No. 607 -- Memorials, Academic Achievement -- Elizabeth Fowler, Valedictorian, Sequoyah High School.

The Speaker announced that he had referred House Joint Resolution No. 607 to Committee on Calendar.

House Joint Resolution No. 608 -- Memorials, Academic Achievement -- Melissa Davis, Salutatorian, Sequoyah High School.

The Speaker announced that he had referred House Joint Resolution No. 608 to Committee on Calendar.

House Joint Resolution No. 609 -- Memorials, Academic Achievement -- Rachel Sheri Salsbury, Valedictorian, Sweetwater High School.

The Speaker announced that he had referred House Joint Resolution No. 609 to Committee on Calendar.

House Joint Resolution No. 610 -- Memorials, Academic Achievement -- Benjamin Andrew Evans, Salutatorian, Sweetwater High School.

The Speaker announced that he had referred House Joint Resolution No. 610 to Committee on Calendar.

House Joint Resolution No. 611 -- Memorials, Academic Achievement -- Mica Jenkins, Valedictorian, Lenoir City High School.

The Speaker announced that he had referred House Joint Resolution No. 611 to Committee on Calendar.

House Joint Resolution No. 612 -- Memorials, Academic Achievement -- Sarah Kathryn Boone, Salutatorian, Tellico Plains High School.

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The Speaker announced that he had referred House Joint Resolution No. 612 to Committee on Calendar.

House Joint Resolution No. 613 -- Memorials, Academic Achievement -- Lindsey Erin Stinson, Valedictorian, Tellico Plains High School.

The Speaker announced that he had referred House Joint Resolution No. 613 to Committee on Calendar.

House Joint Resolution No. 614 -- Memorials, Congratulations -- Steve and Denise Smith, Marty Warren, and All-American Ritz.

The Speaker announced that he had referred House Joint Resolution No. 614 to Committee on Calendar.

House Joint Resolution No. 615 -- Memorials, Retirement -- Paul and Dorothy Powers.

The Speaker announced that he had referred House Joint Resolution No. 615 to Committee on Calendar.

House Joint Resolution No. 616 -- Memorials, Public Service -- Odell Baker.

The Speaker announced that he had referred House Joint Resolution No. 616 to Committee on Calendar.

House Joint Resolution No. 617 -- Memorials, Retirement -- Sydney C. "Bud" McGrew.

The Speaker announced that he had referred House Joint Resolution No. 617 to Committee on Calendar.

House Joint Resolution No. 618 -- Memorials, Retirement -- Barbara Vannatta.

The Speaker announced that he had referred House Joint Resolution No. 618 to Committee on Calendar.

House Joint Resolution No. 619 -- Memorials, Death -- Minnie Blanch Snow.

The Speaker announced that he had referred House Joint Resolution No. 619 to Committee on Calendar.

House Joint Resolution No. 620 -- Memorials, Professional Achievement -- David Scott.

The Speaker announced that he had referred House Joint Resolution No. 620 to Committee on Calendar.

House Joint Resolution No. 621 -- Memorials, Recognition -- Goats, Music & More Festival, Lewisburg.

The Speaker announced that he had referred House Joint Resolution No. 621 to Committee on Calendar.

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House Joint Resolution No. 622 -- Memorials, Retirement -- Commissioner Bill Jones.

The Speaker announced that he had referred House Joint Resolution No. 622 to Committee on Calendar.

House Joint Resolution No. 623 -- Memorials, Interns -- Katy Cunningham.

The Speaker announced that he had referred House Joint Resolution No. 623 to Committee on Calendar.

House Joint Resolution No. 624 -- Memorials, Interns -- John Shoaf.

The Speaker announced that he had referred House Joint Resolution No. 624 to Committee on Calendar.

House Joint Resolution No. 626 -- Memorials, Academic Achievement -- Jordan Michael Humphreys, Salutatorian, Midway High School.

The Speaker announced that he had referred House Joint Resolution No. 626 to Committee on Calendar.

House Joint Resolution No. 627 -- Memorials, Interns -- Lisa Collins.

The Speaker announced that he had referred House Joint Resolution No. 627 to Committee on Calendar.

House Joint Resolution No. 639 -- General Assembly, Recess & Reconvene -- Recesses General Assembly until Tuesday, May 27, 2003.

The Speaker announced that he had referred House Joint Resolution No. 639 to Committee on Calendar.

Senate Joint Resolution No. 479 -- Memorials, Death -- Mary Louise Oliver.

The Speaker announced that he had referred Senate Joint Resolution No. 479 to Committee on Calendar.

Senate Joint Resolution No. 480 -- Memorials, Heroism -- Army Specialist Thomas Arthur Foley III.

The Speaker announced that he had referred Senate Joint Resolution No. 480 to Committee on Calendar.

Senate Joint Resolution No. 482 -- Memorials, Academic Achievement -- Matt Wood, Salutatorian, Scotts Hill High School.

The Speaker announced that he had referred Senate Joint Resolution No. 482 to Committee on Calendar.

Senate Joint Resolution No. 483 -- Memorials, Academic Achievement -- Bianca Brasher, Valedictorian, Scotts Hill High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 483 to Committee on Calendar.

Senate Joint Resolution No. 484 -- Memorials, Interns -- Michael Braden Holton.

The Speaker announced that he had referred Senate Joint Resolution No. 484 to Committee on Calendar.

Senate Joint Resolution No. 485 -- Memorials, Retirement -- Billy Mayfield.

The Speaker announced that he had referred Senate Joint Resolution No. 485 to Committee on Calendar.

Senate Joint Resolution No. 486 -- Memorials, Professional Achievement -- Gibson County Utility District, 50th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 486 to Committee on Calendar.

Senate Joint Resolution No. 487 -- Memorials, Academic Achievement -- Robin Campbell, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 487 to Committee on Calendar.

Senate Joint Resolution No. 488 -- Memorials, Academic Achievement -- Tiffany Boshears, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 488 to Committee on Calendar.

Senate Joint Resolution No. 489 -- Memorials, Academic Achievement -- Falin Gantz, Salutatorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 489 to Committee on Calendar.

Senate Joint Resolution No. 490 -- Memorials, Academic Achievement -- Kristin Gunter, Valedictorian, Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 490 to Committee on Calendar.

Senate Joint Resolution No. 491 -- Memorials, Academic Achievement -- Alison Pearl Thomas, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 491 to Committee on Calendar.

Senate Joint Resolution No. 492 -- Memorials, Academic Achievement -- Chancie Miller, Valedictorian, Central High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 492 to Committee on Calendar.

Senate Joint Resolution No. 493 -- Memorials, Academic Achievement -- Tosha Jeffers, Valedictorian, Sunbright School.

The Speaker announced that he had referred Senate Joint Resolution No. 493 to Committee on Calendar.

Senate Joint Resolution No. 494 -- Memorials, Academic Achievement -- Katelan Bridges, Salutatorian, Clarkrange High School.

The Speaker announced that he had referred Senate Joint Resolution No. 494 to Committee on Calendar.

Senate Joint Resolution No. 495 -- Memorials, Academic Achievement -- Shawna Smith, Salutatorian, Clarkrange High School.

The Speaker announced that he had referred Senate Joint Resolution No. 495 to Committee on Calendar.

Senate Joint Resolution No. 496 -- Memorials, Academic Achievement -- Savanna Kennedy, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 496 to Committee on Calendar.

Senate Joint Resolution No. 497 -- Memorials, Academic Achievement -- Donita Dawn Seiber, Valedictorian, Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 497 to Committee on Calendar.

Senate Joint Resolution No. 498 -- Memorials, Academic Achievement -- Jennifer Lee Brown, Salutatorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 498 to Committee on Calendar.

Senate Joint Resolution No. 499 -- Memorials, Academic Achievement -- Jennifer Price, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 499 to Committee on Calendar.

Senate Joint Resolution No. 500 -- Memorials, Academic Achievement -- Angela Rebecca Shears, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 500 to Committee on Calendar.

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Senate Joint Resolution No. 501 -- Memorials, Academic Achievement -- Ashleigh Asbury, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 501 to Committee on Calendar.

Senate Joint Resolution No. 502 -- Memorials, Academic Achievement -- Heather Bunch, Valedictorian, Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 502 to Committee on Calendar.

Senate Joint Resolution No. 503 -- Memorials, Academic Achievement -- Amanda Joan Gipson, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 503 to Committee on Calendar.

Senate Joint Resolution No. 504 -- Memorials, Academic Achievement -- Natalie Hunley, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 504 to Committee on Calendar.

Senate Joint Resolution No. 505 -- Memorials, Academic Achievement -- Emily Smithers, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 505 to Committee on Calendar.

Senate Joint Resolution No. 506 -- Memorials, Academic Achievement -- Douglas Melton, Valedictorian, Sunbright High School.

The Speaker announced that he had referred Senate Joint Resolution No. 506 to Committee on Calendar.

Senate Joint Resolution No. 507 -- Memorials, Academic Achievement -- Jessica Clear, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 507 to Committee on Calendar.

Senate Joint Resolution No. 508 -- Memorials, Academic Achievement -- Benjamin Heath, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 508 to Committee on Calendar.

Senate Joint Resolution No. 509 -- Memorials, Academic Achievement -- Amy LeeAnn Sexton, Salutatorian, Scott High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 509 to Committee on Calendar.

Senate Joint Resolution No. 510 -- Memorials, Academic Achievement -- Kodi Kamilie Morris, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 510 to Committee on Calendar.

Senate Joint Resolution No. 511 -- Memorials, Academic Achievement -- Deanna Danielle Apple, Valedictorian, Jackson County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 511 to Committee on Calendar.

Senate Joint Resolution No. 512 -- Memorials, Academic Achievement -- Tracy Nicole Davis, Salutatorian, Jackson County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 512 to Committee on Calendar.

Senate Joint Resolution No. 513 -- Memorials, Academic Achievement -- Wei-Han Bobby Liu, Valedictorian, Cookeville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 513 to Committee on Calendar.

Senate Joint Resolution No. 514 -- Memorials, Academic Achievement -- Suman Natarajan, Salutatorian, Cookeville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 514 to Committee on Calendar.

Senate Joint Resolution No. 515 -- Memorials, Academic Achievement -- Seth Chadwell, Valedictorian, Cumberland County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 515 to Committee on Calendar.

Senate Joint Resolution No. 516 -- Memorials, Academic Achievement -- Ray Stone, Salutatorian, Cumberland County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 516 to Committee on Calendar.

Senate Joint Resolution No. 517 -- Memorials, Academic Achievement -- Melissa Esper, Salutatorian, Pickett County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 517 to Committee on Calendar.

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Senate Joint Resolution No. 518 -- Memorials, Academic Achievement -- Mica McCratic, Valedictorian, Pickett County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 518 to Committee on Calendar.

Senate Joint Resolution No. 519 -- Memorials, Academic Achievement -- Kayla Elizabeth Garrison, Valedictorian, Monterey High School.

The Speaker announced that he had referred Senate Joint Resolution No. 519 to Committee on Calendar.

Senate Joint Resolution No. 520 -- Memorials, Academic Achievement -- Lindsey Nicole Verble, Salutatorian, Monterey High School.

The Speaker announced that he had referred Senate Joint Resolution No. 520 to Committee on Calendar.

Senate Joint Resolution No. 521 -- Memorials, Academic Achievement -- Garrett Cleveland Lewis, Valedictorian, Upperman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 521 to Committee on Calendar.

Senate Joint Resolution No. 522 -- Memorials, Academic Achievement -- Matthew John-James Uhles, Salutatorian, Upperman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 522 to Committee on Calendar.

Senate Joint Resolution No. 523 -- Memorials, Academic Achievement -- Chad Steven Marcum, Valedictorian, White County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 523 to Committee on Calendar.

Senate Joint Resolution No. 524 -- Memorials, Academic Achievement -- Melissa Gale Turley, Salutatorian, White County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 524 to Committee on Calendar.

Senate Joint Resolution No. 527 -- Memorials, Public Service -- Guy Nicholson.

The Speaker announced that he had referred Senate Joint Resolution No. 527 to Committee on Calendar.

Senate Joint Resolution No. 528 -- Memorials, Academic Achievement -- Britney Hoosier, Co-Valedictorian, Franklin County High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 528 to Committee on Calendar.

Senate Joint Resolution No. 529 -- Memorials, Academic Achievement -- Carol Elaine Girata, Co-Valedictorian, Franklin County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 529 to Committee on Calendar.

Senate Joint Resolution No. 530 -- Memorials, Academic Achievement -- Maggie Kristin Hodges, Co-Valedictorian, Franklin County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 530 to Committee on Calendar.

Senate Joint Resolution No. 531 -- Memorials, Academic Achievement -- Celina Cavett, Valedictorian, Franklin County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 531 to Committee on Calendar.

Senate Joint Resolution No. 532 -- Memorials, Academic Achievement -- Katherine F. Hayes, Co-Valedictorian, Franklin County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 532 to Committee on Calendar.

Senate Joint Resolution No. 533 -- Memorials, Academic Achievement -- Mary Catherine Baker, Co-Valedictorian, Franklin County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 533 to Committee on Calendar.

Senate Joint Resolution No. 534 -- Memorials, Academic Achievement -- Angela Barnes, Co-Valedictorian, Franklin County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 534 to Committee on Calendar.

Senate Joint Resolution No. 535 -- Memorials, Academic Achievement -- Kasie Rae Luttrell, Co-Valedictorian, Franklin County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 535 to Committee on Calendar.

Senate Joint Resolution No. 536 -- Memorials, Academic Achievement -- Kady Amundson, Co-Valedictorian, Franklin County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 536 to Committee on Calendar.

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Senate Resolution No. 94 -- Memorials, Heroism -- Emmett Ledbetter.

The Speaker announced that he had referred Senate Resolution No. 94 to Committee on Calendar.

Senate Resolution No. 95 -- Memorials, Recognition -- Feed the Children, Assistance to Victims of Jackson Tornado.

The Speaker announced that he had referred Senate Resolution No. 95 to Committee on Calendar.

Senate Resolution No. 96 -- Memorials, Public Service -- Jose Gutierrez.

The Speaker announced that he had referred Senate Resolution No. 96 to Committee on Calendar.

NOTICE

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return Senate Bill No. 1332. The House lifted from the table the motion to reconsider Senate Bill No. 1332. The House reconsidered its action in passing Senate Bill No. 1332. The House reconsidered and withdrew Amendment No. 2 and repassed Senate Bill No. 1332 on third and final consideration.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1946. The House nonconcurred in Senate Amendment No. 4.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 466. The House nonconcurred in Senate Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1606. The House nonconcurred in Senate Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Trail moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 622**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 622 -- Memorials, Retirement -- Commissioner Bill Jones.

On motion of Senator Trail, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 622** was concurred in.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Joint Resolution No. 580 -- Memorials, Interns -- Russell W. Montgomery.

House Joint Resolution No. 581 -- Memorials, Personal Achievement -- Kimberley Locke, American Idol finalist.

House Joint Resolution No. 582 -- Memorials, Death -- Dallas Nelson.

Senate Joint Resolution No. 455 -- Memorials, Public Service -- University of Tennessee at Martin Alpha Tau Omega, Push for St. Jude.

Senate Joint Resolution No. 456 -- Memorials, Academic Achievement -- Brandy Ford, Valedictorian, Stewart County High School.

Senate Joint Resolution No. 457 -- Memorials, Academic Achievement -- Audrey Smith, Salutatorian, Stewart County High School.

Senate Joint Resolution No. 458 -- Memorials, Academic Achievement -- Brittany Barrett, Salutatorian, Riverside High School.

Senate Joint Resolution No. 459 -- Memorials, Academic Achievement -- Nick Griffin, Valedictorian, Riverside High School.

Senate Joint Resolution No. 460 -- Memorials, Academic Achievement -- Veronica Drolet, Valedictorian, Big Sandy High School.

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Senate Joint Resolution No. 461 -- Memorials, Academic Achievement -- Mallory Hacker, Valedictorian, Henry County High School.

Senate Joint Resolution No. 462 -- Memorials, Academic Achievement -- Bethany Holland, Salutatorian, Big Sandy High School.

Senate Joint Resolution No. 463 -- Memorials, Academic Achievement -- Delana Jean McDaniel, Valedictorian, South Fulton High School.

Senate Joint Resolution No. 464 -- Memorials, Academic Achievement -- Megan Suiter, Valedictorian, South Fulton High School.

Senate Joint Resolution No. 465 -- Memorials, Sports -- Michael Hill.

Senate Joint Resolution No. 466 -- Memorials, Death -- Ronnie Shipp.

Senate Joint Resolution No. 467 -- Memorials, Academic Achievement -- Tori Beth Buck, Salutatorian, York Institute.

Senate Joint Resolution No. 468 -- Memorials, Academic Achievement -- Robert Allen Cravens, Valedictorian, York Institute.

Senate Joint Resolution No. 469 -- Memorials, Academic Achievement -- James Raymond Mitchell, Valedictorian, Midway High School.

Senate Joint Resolution No. 470 -- Memorials, Academic Achievement -- Heather Chapman, Valedictorian, Midway High School.

Senate Joint Resolution No. 471 -- Memorials, Academic Achievement -- Joshua Hayes, Valedictorian, Midway High School.

Senate Joint Resolution No. 472 -- Memorials, Academic Achievement -- Deanna Hensley, Valedictorian, Midway High School.

Senate Joint Resolution No. 473 -- Memorials, Academic Achievement -- Emily Adelle Lassiter, Salutatorian, Oakdale School.

Senate Joint Resolution No. 474 -- Memorials, Academic Achievement -- Justin McKamey, Valedictorian, Stony Fork High School.

Senate Joint Resolution No. 475 -- Memorials, Academic Achievement -- Samantha Jolene Coffey, Valedictorian, Oakdale School.

Senate Joint Resolution No. 476 -- Memorials, Academic Achievement -- Ashley McKamey, Salutatorian, Stony Fork High School.

Senate Joint Resolution No. 477 -- Memorials, Interns -- Carrie Green.

Senate Joint Resolution No. 479 -- Memorials, Death -- Mary Louise Oliver.

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Senate Joint Resolution No. 480 -- Memorials, Heroism -- Army Specialist Thomas Arthur Foley III.

Senate Resolution No. 90 -- Memorials, Interns -- Erin Bumbalough.

Senate Resolution No. 91 -- Memorials, Professional Achievement -- Walter W. Diggs, Joint Commission.

Senate Resolution No. 92 -- Memorials, Interns -- Anna Enright.

Senate Resolution No. 93 -- Memorials, Retirement -- Jacqueline Jewel Bridges Greene.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

MOTION

Senator McNally moved that Rule 83 be suspended for the purpose of allowing the Committee on Education to meet after the Democratic Caucus meeting, which motion prevailed.

RECALL OF BILL

Senator Crutchfield moved that **House Bill No. 1286** be recalled from the House, which motion prevailed.

RECESS

Senator Crutchfield moved the Senate stand in recess for five minutes, which motion prevailed.

STANDING COMMITTEE REPORT

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1024 with amendment; and House Joint Resolution No. 485.

McNALLY, Chairperson
May 22, 2003

The Speaker announced that he had referred Senate Bill No. 1024 with amendment; and House Joint Resolution No. 485 to Committee on Calendar.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Wilder.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

SENATE MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 437 -- Education -- Requires that all funds appropriated from lottery proceeds be used to supplement, not supplant, non-lottery resources for educational purposes and programs. Amends TCA Title 3; Title 4; Title 33; Title 38; Title 39; Title 48; Title 49 and Title 68.

HOUSE AMENDMENT NO. 7

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, is amended by adding the following as a new part:

§ 49-4-901. Net proceeds of the state lottery shall be used exclusively for the purposes set out in Article XI, Section 5 of the Constitution of Tennessee and the provisions of this act. Such net proceeds shall be used to supplement, not supplant, existing resources for educational purposes, projects and programs. It is the intent of the General Assembly that if there exist net proceeds of the state lottery in excess of those allocated to provide financial assistance to citizens of this state to enable such citizens to attend postsecondary educational institutions located in Tennessee, then such excess net proceeds shall be allocated first to early learning programs. It is further the intent of the General Assembly that the scholarship and grant programs established under this part shall not create an entitlement to financial assistance to enable attendance at a postsecondary institution for any student.

§ 49-4-902. As used in this part, unless the context otherwise requires:

(1) "Academic year" means a period of time, typically nine (9) months, in which a full-time student is expected to complete the equivalent of at least two (2) semesters of academic work.

(2) "ACT" means the ACT assessment administered by ACT.

(3) "Adjusted gross income attributable to the student" or "student's adjusted gross income" means:

(A) The adjusted gross income of the student's parent or parents as reported on the student's FAFSA and used by TSAC in determinations of eligibility for federal or state financial aid, if the student is a dependent of a parent or parents; or

(B) The adjusted gross income of the student and, if applicable, the student's spouse as reported on the student's FAFSA and used by TSAC in determinations of eligibility for federal or state financial aid, if the student is financially independent of parents.

(4) "Certificate" or "diploma" means a credential, other than a degree, the receipt of which indicates satisfactory completion of training in a program of study offered by a Tennessee Technology Center operated by the board of regents of the state university and community college system.

(5) "College core curriculum" means the high school courses in the curriculum approved by the State Board of Education for those students intending to pursue postsecondary education.

(6) "Continuous enrollment" means that a student is enrolled for at least two (2) of each three (3) consecutive semesters beginning with the semester in which the student initially enrolls in a postsecondary institution.

(7) "Eligible high school" means:

(A) A Tennessee public secondary school; or

(B) A private secondary school that is located in Tennessee and is accredited by the Southern Association of Colleges and Schools.

(8) "Eligible postsecondary institution" means an eligible independent postsecondary institution or an eligible public postsecondary institution.

(9) "Eligible independent postsecondary institution" means:

(A) An institution created by testamentary trust for which the state acts by statute as trustee and for which the Governor is authorized to appoint commissioners with the advice and consent of the Senate and that offers courses leading to undergraduate degrees; or

(B) A Southern Association of Colleges and Schools accredited private postsecondary institution that is located in Tennessee.

(10) "Eligible public postsecondary institution" means:

(A) An institution operated by the board of regents of the state university and community college system; or

(B) An institution in the University of Tennessee system;

(11) "FAFSA" means the Free Application for Federal Student Aid.

(12) "Freshman student" means a student at a postsecondary institution who is in the first two (2) semesters of full-time attendance or the equivalent, if the student attends part-time.

(13) "Full-time student" means a student attending a postsecondary educational institution and enrolled for at least twelve (12) semester hours during each semester of attendance.

(14) "General Assembly Merit Scholarship" means the scholarship that is awarded for academic excellence under § 49-4-916. A "General Assembly Merit Scholarship" consists of two (2) parts, a Tennessee HOPE scholarship and a General Assembly Merit Scholar supplemental award.

(15) "GED" means a general educational development credential awarded by a state-approved institution or organization.

(16) "Grade point average" means the numbered grade average calculated using a 4.0 scale.

(17) "Home school student" means a student who completed high school in a Tennessee home school program meeting the requirements of § 49-6-3050. For two (2) years immediately preceding completion of high school as a home school student, such student shall have been a student in a home school associated with a church-related school as defined by § 49-50-801 and registered with the Tennessee local school district which the student would otherwise attend as required by § 49-6-3050(a)(2)(C)(i) or an independent home school student whose parent or guardian has given notice to the local director of a Tennessee school district under § 49-6-3050(b)(1) of intent to conduct a home school.

(18) "Parent" means parent or guardian.

(19) "Part-time student" means a student attending a postsecondary educational institution and enrolled for at least six (6) semester hours, but less than twelve (12) semester hours, during a semester of attendance.

(20) "Regional accrediting association" means:

- (A) The Southern Association of Colleges and Schools;
- (B) The New England Association of Schools and Colleges;
- (C) The Middle States Association of Colleges and Schools;
- (D) The North Central Association of Colleges and Schools;
- (E) The Northwestern Association of Schools and Colleges; or
- (F) The Western Association of Schools and Colleges.

(21) "SAT" means the Scholastic Aptitude Test administered by the College Board.

(22) "Scholarship" means a Tennessee HOPE scholarship or a Tennessee HOPE access grant.

(23) "Semester" means fall, spring, or summer semester at a postsecondary institution, if the institution is on a semester system, or the equivalent, if the institution is on a system other than a semester system.

(24) "Semester hour" means the credit hour used by a postsecondary institution, if the institution is on a semester system, or its equivalent, if the institution is on a system other than a semester system. "Semester hour" includes each semester hour attempted, whether remedial or for credit toward a degree, but shall not include any semester hour attempted before graduating from high school or earning a GED.

(25) "Student who has obtained a GED" means a student who was a Tennessee resident for at least one (1) year prior to obtaining a GED.

(26) "Tennessee HOPE access grant" means a grant for study in pursuit of an associate or baccalaureate degree at an eligible postsecondary institution that is funded from net proceeds of the state lottery and awarded to freshman students meeting the requirements of § 49-4-920.

(27) "Tennessee HOPE scholarship" means a scholarship for study in pursuit of an associate or baccalaureate degree at an eligible postsecondary institution that is funded from net proceeds of the state lottery and awarded under this part.

(28) "THEC" means the Tennessee higher education commission.

(29) "Title IV" means Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C.A. § 1070, et seq.

(30) "TSAC" means the Tennessee student assistance corporation.

(31) "Unweighted grade point average" means grade point average on a 4.0 scale calculated without additional points awarded for advanced placement, honors, or other similar courses.

(32) "Wilder-Naifeh technical skills grant" means a grant for study in pursuit of a certificate or diploma at a Tennessee Technology Center operated by the board of regents of the state university and

community college system that is funded from net proceeds of the state lottery and awarded under this part.

§ 49-4-903. (a) The scholarship and grant programs established by this part shall be administered by TSAC, which shall be responsible for determination of eligibility of students and for the distribution of funds appropriated by the General Assembly for scholarships and grants awarded under the program. In the event net proceeds from lottery revenues are insufficient to fund fully the scholarships and grants created by this part, then the Tennessee student assistance corporation is authorized to review and reduce the amounts to be awarded for such scholarships and grants pro rata.

(b) THEC shall provide assistance to the General Assembly and to TSAC by researching and analyzing data concerning the scholarship and grant programs created under this part, including, but not limited to, student success and scholarship retention. THEC shall report its findings annually to the Education Committee of the Senate and the Education Committee of the House of Representatives before the second Tuesday in January.

(c) Postsecondary educational institutions that enroll students receiving scholarships or grants under this part shall provide all information required by TSAC and THEC that is necessary for administering, reviewing, and evaluating such programs. TSAC and THEC may choose to collect data from higher education institutions or through the University of Tennessee system, board of regents, or the Tennessee Independent Colleges and Universities Association. TSAC and THEC shall maintain confidentiality of individual student records in accordance with the Family Educational Right to Privacy Act.

§ 49-4-904. A student is ineligible for any scholarship or grant described in this part if the student:

- (1) Is not a Tennessee citizen;
- (2) Has not complied with United States Selective Service System requirements for registration, if such requirements are applicable to the student;
- (3) Is in default on a federal Title IV educational loan or Tennessee educational loan;
- (4) Owes a refund on a federal Title IV student financial aid program or a Tennessee student financial aid program;
- (5) Is not in compliance with federal drug-free rules and laws for receiving financial assistance;
- (6) Is incarcerated; or
- (7) Does not meet each qualification relating to the relevant scholarship or grant and applicable to the student.

§ 49-4-905. (a) To be eligible for a Tennessee HOPE scholarship, Tennessee HOPE access grant, or a Wilder-Naifeh technical skills grant, a student shall have:

- (1) Been a Tennessee resident, as defined by regulations promulgated by the board of regents under § 49-8-104, for one (1) year immediately preceding the date of application for a scholarship or grant or the renewal of a scholarship or grant;

- (2) Made application for a Tennessee HOPE scholarship, Tennessee HOPE access grant, or Wilder-Naifeh technical skills grant; and

- (3) Been admitted to an eligible postsecondary institution.

(b) To be eligible for a Tennessee HOPE scholarship, a student shall have graduated from a Tennessee high school, completed high school in a Tennessee home school program, or obtained a GED after January 1, 2003. To be eligible for a Tennessee HOPE access grant a student shall have graduated from an eligible high school after January 1, 2004. The provisions of this subsection shall not apply to those students applying for Wilder-Naifeh technical skills grants.

§ 49-4-906. Except for the supplemental award under § 49-4-915 and the Tennessee HOPE access grants under § 49-4-920, eligibility for scholarships or grants awarded under this part shall not be restricted or limited by the adjusted gross income attributable to a student. Students applying for the supplemental award under § 49-4-915 and students applying for a Tennessee HOPE access grant under § 49-4-920 shall file a FAFSA with TSAC.

§ 49-4-907. To be eligible for a Tennessee HOPE scholarship, a student, who graduated from an eligible high school after January 1, 2004, upon having completed curriculum requirements of the high school for graduation, shall:

- (1) Meet the requirements of §§ 49-4-904 and 49-4-905;

- (2) Apply for a Tennessee HOPE scholarship in or after the senior year of high school;

- (3) Achieve a final overall unweighted high school grade point average of at least 3.0;

- (4) Achieve a final unweighted grade point average of at least 3.0 in the college core curriculum. Such grade point average shall be calculated using all college core courses taken by the student; and

- (5) Attain a composite ACT score of at least 19 on any single ACT test date or a combined SAT score of at least 890 on any single SAT test date.

§ 49-4-908. To be eligible for a Tennessee HOPE scholarship, a student, who completed high school in a Tennessee home school program after January 1, 2004, who obtained a GED after January 1, 2004, or who graduated from a high school located in Tennessee that is not an eligible high school after January 1, 2004, shall:

(1) Meet the requirements of §§ 49-4-904 and 49-4-905;

(2) Attain a composite ACT score of at least 23 on any single ACT test date or a combined SAT score of at least 1,060 on any single SAT test date; and

(3) Be admitted to and enroll in an eligible postsecondary institution within six (6) months of completing high school in a Tennessee home school program, obtaining a GED, or graduating from high school.

§ 49-4-909. (a) To be eligible for a Tennessee HOPE scholarship, a student, who graduated from a Tennessee high school, who completed high school in a Tennessee home school program, or who obtained a GED after January 1, 2003, but prior to January 1, 2004, shall:

(1) Meet the requirements of §§ 49-4-904 and 49-4-905;

(2)(A) Meet the requirements of subdivisions (3)-(5) of § 49-4-907, if the student graduated from an eligible high school; or

(B) Meet the requirements of subdivision (2) of § 49-4-908, if the student completed high school in a Tennessee home school program, obtained a GED, or graduated from a high school located in Tennessee that is not an eligible high school.

(3) Attend an eligible postsecondary institution or a postsecondary institution located outside of Tennessee that is accredited by a regional accrediting association during the 2003-2004 academic year without a Tennessee HOPE scholarship and successfully complete at least twenty-four (24) semester hours of credit at such institution;

(4) Maintain satisfactory progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student enrolled;

(5) Achieve the cumulative grade point average that is required under § 49-4-911 for continuation of a Tennessee HOPE scholarship for the total number of semester hours that the student has attempted at any postsecondary institution attended;

(6) Apply for a Tennessee HOPE scholarship while enrolled as a student at the postsecondary institution attended during the 2003-2004 academic year; and

(7) Be admitted to and enroll in an eligible postsecondary institution for the 2004-2005 academic year.

(b) No retroactive award of a Tennessee HOPE scholarship shall be made under this section.

§ 49-4-910. A student who receives a Tennessee HOPE scholarship and attends an eligible postsecondary institution may transfer to another eligible postsecondary institution without loss of the scholarship; provided, that the student continues to meet all requirements for such scholarship. The scholarship award shall be the award applicable to the eligible postsecondary institution to which the student transferred.

§ 49-4-911. (a) To continue to receive a Tennessee HOPE scholarship, a student at an eligible postsecondary institution shall continue to meet all applicable requirements for the scholarship and shall reapply for the scholarship upon attempting twenty-four (24), forty-eight (48), seventy-two (72), or ninety-six (96) semester hours. At the end of the semester in which the student has attempted a total of twenty-four (24) semester hours, the student shall have achieved a cumulative grade point average of at least 2.75 to continue to receive the Tennessee HOPE scholarship. Eligibility for the Tennessee HOPE scholarship shall also be reviewed at the end of the semester in which a student has attempted a total of forty-eight (48), seventy-two (72), or ninety-six (96) semester hours. At the end of the semester in which the student has attempted a total of forty-eight (48), seventy-two (72), or ninety-six (96) semester hours, the student shall achieve a cumulative grade point average of at least 3.0 to continue to receive the scholarship for the following academic year.

(b) If a student ceases to be eligible for a Tennessee HOPE scholarship at any time for any reason, then the student shall not be able to regain the Tennessee HOPE scholarship.

§ 49-4-912. (a) The receipt of a Tennessee HOPE scholarship is contingent upon admission to an eligible postsecondary institution. Academically qualifying for a Tennessee HOPE scholarship does not guarantee admission to an eligible postsecondary institution.

(b) Tennessee HOPE scholarship students may enroll as full-time students or part-time students at an eligible postsecondary institution. A student who enrolls as a full-time student at the beginning of a semester may not drop to part-time status in that semester, unless the student requests and the institution approves part-time status based on documented medical or personal grounds. TSAC shall promulgate rules and regulations for attendance as a part-time student, payment of awards to part-time students, change from full-time to part-time status based on documented medical or personal grounds, and the grounds for which such change from full-time to part-time status may be granted. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Title 4, Chapter 5.

§ 49-4-913. (a) Except as set forth in subsection (b) of this section and §§ 49-4-918 and 49-4-919, a student may receive a Tennessee HOPE scholarship until the first of the following events:

- (1) The student has earned a baccalaureate degree;
- (2) The student has attempted at any postsecondary institution a total one hundred twenty (120) semester hours; or

(3) Five (5) years from the date of the student's initial enrollment at any postsecondary institution have passed.

(b) A student enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours in length is eligible to receive a Tennessee HOPE scholarship until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total of one hundred thirty-six (136) semester hours; or

(3) Five (5) years from the date of the student's initial enrollment at any postsecondary institution have passed.

§ 49-4-914. (a) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Tennessee HOPE scholarship awarded to a student attending an eligible four-year postsecondary institution shall be three thousand dollars (\$3,000) for full-time attendance for the 2004-2005 academic year. For academic years subsequent to the 2004-2005 academic year, the amount of such scholarship shall be determined in accordance with § 4-51-111 and shall be set in the General Appropriations Act.

(b) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Tennessee HOPE scholarship awarded to a student attending an eligible two-year postsecondary institution shall be fifteen hundred dollars (\$1,500) for full-time attendance for the 2004-2005 academic year. For academic years subsequent to the 2004-2005 academic year, the amount of such scholarship shall be determined in accordance with § 4-51-111 and shall be set in the General Appropriations Act.

§ 49-4-915. (a) To be eligible for a supplemental award, a student shall:

(1) Be eligible for a Tennessee HOPE scholarship; and

(2) Have an adjusted gross income attributable to the student that does not exceed thirty-six thousand dollars (\$36,000).

(b) Such student shall receive the Tennessee HOPE scholarship award under § 49-4-914 and a supplemental award. The supplemental award for full-time students shall be one thousand dollars (\$1,000) for the 2004-2005 academic year. For academic years subsequent to the 2004-2005 academic year, the amount of such supplemental award shall be determined in accordance with § 4-51-111 and shall be set in the general appropriations act. Both the Tennessee HOPE scholarship and the supplemental award are subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery.

(c) The adjusted gross income attributable to the student shall be reviewed each academic year to determine continuing eligibility for the supplemental award.

§ 49-4-916. (a) To be eligible for a General Assembly Merit Scholarship as an entering freshman, a student, who graduated from an eligible high school after January 1, 2004, upon having met all curriculum requirements of the high school for graduation and who is seeking an associate or baccalaureate degree at an eligible postsecondary institution, shall:

- (1) Meet all requirements for a Tennessee HOPE scholarship;
- (2) Achieve a final overall unweighted high school grade point average of at least 3.75;
- (3) Achieve a final unweighted grade point average of at least 3.75 in the college core curriculum. Such grade point average shall be calculated using all college core courses taken by the student;
- (4) Attain a composite ACT score of at least 29 on any single ACT test date or a combined SAT score of at least 1,280 on any single SAT test date; and
- (5) Apply for a General Assembly Merit Scholarship in the senior year of high school.

(b) To be eligible for a General Assembly Merit Scholarship as an entering freshman, a student who completed high school in a Tennessee home school program after January 1, 2004, or who graduated from a high school located in Tennessee that is not an eligible high school after January 1, 2004, shall:

- (1) Meet all requirements for a Tennessee Hope scholarship that are applicable to such student;
- (2) Attain a composite ACT score of at least 29 on any single ACT test date or a combined SAT score of at least 1,280 on any single SAT test date;
- (3) During the course of a home school program or while attending high school, enroll in at least four (4) courses totaling at least twelve (12) semester hours credit at an eligible postsecondary institution. Such courses shall meet or be equivalent to courses meeting the minimum degree requirements of the board of regents, other than the minimum degree requirements pertaining to physical education; and
- (4) Achieve a cumulative grade point average of at least 3.0 for all courses attempted at any eligible postsecondary institution during the course of a home school program or while attending high school.

(c) A student, who receives a General Assembly Merit Scholarship as an entering freshman shall continue to be eligible for a General Assembly Merit Scholarship, if the student meets all requirements of § 49-4-911 for continuation of a Tennessee HOPE scholarship.

(d) To be eligible for a General Assembly Merit Scholarship, a student, who graduated from an eligible high school after January 1, 2003, but prior to January 1, 2004, and who is seeking an associate or baccalaureate degree shall have, prior to entering a postsecondary institution:

(1) Achieved a final overall unweighted high school grade point average of at least 3.75;

(2) Achieved a final unweighted high school grade point average of at least 3.75 in the college core curriculum. Such grade point average shall be calculated using all college core courses taken by the student; and

(3) Attained a composite ACT score of at least 29 on any single ACT test date or a combined SAT score of at least 1,280 on any single SAT test date.

Such student shall apply for the General Assembly Merit Scholarship in the year following graduation from high school and while the student is attending, as a freshman, either an eligible postsecondary institution or a postsecondary institution located outside of Tennessee that is accredited by a regional accrediting agency. The student shall have a cumulative grade point average of at least 2.75 at the end of the semester in which the student has attempted a total of twenty-four (24) semester hours to be eligible to receive a Tennessee HOPE scholarship award and a General Assembly Merit Scholar supplemental award to attend an eligible postsecondary institution during the next academic year. To continue to receive the General Assembly Merit Scholarship, the student shall continue to meet all eligibility requirements for a Tennessee HOPE scholarship and meet the continuation requirements of § 49-4-911. No retroactive award of a General Assembly Merit Scholarship shall be made under this subsection.

(e) If a student receiving a General Assembly Merit Scholarship ceases to be eligible for the General Assembly Merit Scholarship at any time, the student shall not be able to regain either the Tennessee HOPE scholarship award or the General Assembly Merit Scholar supplemental award.

(f) A student who meets the requirements for a General Assembly Merit Scholarship shall receive a Tennessee HOPE scholarship award under § 49-4-914 and a General Assembly Merit Scholar supplemental award. The General Assembly Merit Scholar supplemental award for full-time students shall be one thousand dollars (\$1,000) for the 2004-2005 academic year. For academic years subsequent to the 2004-2005 academic year, the amount of the General Assembly Merit Scholar supplemental award shall be determined in accordance with § 4-51-111 and shall be set in the general appropriations act. Both the Tennessee HOPE scholarship award and the General Assembly Merit Scholar supplemental award are subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery.

§ 49-4-917. Students may receive either the supplemental award under § 49-4-915 or the supplemental award as a General Assembly Merit Scholar, but not both.

§ 49-4-918. (a) A student, who enters the United States Armed Services within two (2) years after the student graduates from a Tennessee high school, completes high school in a Tennessee home school program, or obtains a GED, may apply for a Tennessee HOPE scholarship within seven (7) years of the student's date of entry into military service; provided, that such student did not attend a postsecondary institution before entering military service. If, however, such student is honorably discharged from military service before applying for a Tennessee HOPE scholarship, then the student shall apply for a scholarship within one (1) year of the date of honorable discharge or within seven (7) years of the student's date of entry into military service, whichever occurs first.

(b) To be eligible for a Tennessee HOPE scholarship, such student shall:

(1) Meet the requirements of § 49-4-907, other than any requirements pertaining to deadlines for application for a Tennessee HOPE scholarship, if the student graduated from an eligible high school before entering military service; or

(2) Meet the requirements of § 49-4-908, other than any requirements pertaining to deadlines for application for a Tennessee HOPE scholarship, if the student completed high school in a Tennessee home school program, graduated from a high school located in Tennessee that is not an eligible high school, or obtained a GED.

(c) To continue to receive the scholarship, the student shall maintain satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled, shall continue to meet all eligibility requirements, shall reapply for the scholarship each academic year, and shall meet the continuation requirements of § 49-4-911.

(d) This section shall not apply to any person who is dishonorably discharged from military service.

§ 49-4-919. (a) A Tennessee HOPE scholarship student who has an approved medical or personal leave of absence from an eligible postsecondary institution may continue to receive the scholarship upon resuming such student's education at an eligible postsecondary institution so long as the student continues to meet all applicable eligibility requirements. Such student shall be eligible for the scholarship until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total of one hundred twenty (120) semester hours, or if the student is enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours in length, one hundred thirty-six (136) semester hours; or

(3) The sum of the number of years the student attended a postsecondary institution prior to the leave of absence and the number of years of attendance after the leave of absence equals five (5) years.

(b) Except for approved medical or personal leaves of absence, a Tennessee HOPE scholarship student, including a part-time student, shall be enrolled continuously as a student at an eligible postsecondary institution.

(c) TSAC shall promulgate rules and regulations for approval of medical or personal leave and the grounds for which such leave may be granted. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Title 4, Chapter 5.

§ 49-4-920. (a) To be eligible for a Tennessee HOPE access grant, a freshman student shall:

- (1) Meet all requirements of §§ 49-4-904 and 49-4-905;
- (2) Have an adjusted gross income attributable to the student that does not exceed thirty-six thousand dollars (\$36,000);
- (3) Apply for a Tennessee HOPE access grant and file a FAFSA in the senior year of high school;
- (4) Graduate from an eligible high school after January 1, 2004, upon having completed curriculum requirements of the high school for graduation;
- (5) Achieve a final overall unweighted high school grade point average of at least 2.75;
- (6) Achieve a final unweighted grade point average of at least 2.75 in the college core curriculum. Such grade point average shall be calculated using all college core courses taken by the student; and
- (7) Attain a composite ACT score of at least 18 on any single ACT test date or a combined SAT score of at least 860 on any single SAT test date.

(b)(1) A Tennessee HOPE access grant shall be awarded to an eligible student only until the end of the semester in which the student has attempted a total of twenty-four (24) semester hours. A student who is eligible for a Tennessee HOPE Scholarship shall be ineligible for a Tennessee HOPE access grant.

(2) A student receiving a Tennessee HOPE access grant shall maintain continuous enrollment at an eligible postsecondary institution.

(3) If a student ceases to be eligible for a Tennessee HOPE access grant at any time for any reason, then the student may not regain the Tennessee HOPE access grant and shall not be eligible for a Tennessee HOPE scholarship.

(c) The receipt of a Tennessee HOPE access grant is contingent upon admission to an eligible postsecondary institution. Financially and academically qualifying for a Tennessee HOPE access grant does not guarantee admission to an eligible postsecondary institution.

(d)(1) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary assistance from the net proceeds of the state lottery, a Tennessee HOPE access grant shall be fifty percent (50%) of the Tennessee HOPE scholarship awarded under § 49-4-914 to Tennessee HOPE scholarship recipients at the eligible postsecondary institution at which the Tennessee HOPE access grant recipient is enrolled.

(2) A student who is a recipient of a Tennessee Hope access grant is not eligible for a supplemental award under § 49-4-915.

(e) TSAC shall review a student's eligibility at the end of the semester in which the student has attempted twenty-four (24) semester hours. If a student receiving a Tennessee HOPE access grant has achieved a cumulative grade point average of at least 2.75 at the end of the semester in which the student has attempted twenty-four (24) semester hours, the student shall be eligible for a Tennessee HOPE scholarship and, if the student's adjusted gross income at the time of review does not exceed thirty-six thousand dollars (\$36,000), a supplemental award under § 49-4-915.

(f) A student may receive a Tennessee HOPE scholarship after having received a Tennessee HOPE access grant until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total of one hundred twenty (120) semester hours, or if the student is enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours in length, one hundred thirty-six (136) semester hours; or

(3) Five (5) years from the date of the student's initial enrollment at any postsecondary institution have passed.

§ 49-4-921. (a) To be eligible for a Wilder-Naifeh technical skills grant, a student seeking a diploma or certificate at a Tennessee Technology Center operated by the board of regents of the state university and community college system shall:

(1) Meet the requirements of §§ 49-4-904 and 49-4-905(a);

(2) Be admitted to the institution in a program of study leading to a certificate or diploma; and

(3) Have not, at any time, been the recipient of a Tennessee HOPE scholarship.

(b) No minimum number of hours of enrollment is required for eligibility for a Wilder-Naifeh technical skills grant under this section, but a student receiving a grant shall maintain satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled to continue the grant. If a student fails to maintain satisfactory academic progress, then the student shall lose the Wilder-Naifeh technical skills grant. Once a

student loses a Wilder-Naifeh technical skills grant, no additional award under this section shall be made.

(c) A student who has been awarded a Wilder-Naifeh technical skills grant shall maintain continuous enrollment at the institution in accordance with the institution's requirements.

(d) Until receipt of the certificate or diploma, a student shall reapply each academic year for the Wilder-Naifeh technical skills grant.

(e) An eligible student may receive a Wilder-Naifeh technical skills grant for all course work required by the institution for a program of study leading to a certificate or diploma. Wilder-Naifeh technical skills grants may not be used for continuing education courses.

(f) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Wilder-Naifeh technical skills grant awarded under this section shall be one thousand two hundred fifty dollars (\$1,250) for full-time attendance for the 2004-2005 academic year. For academic years subsequent to the 2004-2005 academic year, the amount of such scholarship shall be determined in accordance with § 4-51-111 and shall be set in the General Appropriations Act.

(g) No student shall be eligible for more than one (1) Wilder-Naifeh technical skills grant.

§ 49-4-922. If the sum of all financial aid, including a Tennessee HOPE scholarship, a Tennessee HOPE access grant, a General Assembly Merit scholarship, a supplemental award under § 49-4-915, or a Wilder-Naifeh technical skills grant, for which a student qualifies exceeds the institutionally defined total cost of education at the eligible postsecondary institution the scholarship or grant recipient is attending, then such student's financial assistance provided under this part shall be reduced so that the financial aid actually received by the student does not exceed the institutionally defined total cost of education.

§ 49-4-923. Scholarships or grants to be awarded under this part shall not commence prior to the fall semester of 2004.

§ 49-4-924. (a) TSAC is authorized to promulgate rules and regulations to establish deadlines for applications, appeal procedures for the denial or revocation of scholarships and grants, methods of paying scholarship awards to part-time students, and to otherwise effectuate the purposes of this part. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Title 4, Chapter 5.

(b) TSAC shall promulgate rules and regulations to provide for repayment or partial repayment of a scholarship or grant awarded to a student who subsequently withdraws from courses or from the postsecondary institution. Such rules shall be comparable to rules for repayment of other financial aid available to postsecondary students. No repayment shall be required if a full-time student withdraws from a

course and such withdrawal does not reduce the student's course load below twelve (12) semester hours. All students shall be notified of the consequences of withdrawing from courses or from the institution, when notified of the award of a scholarship or grant. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Title 4, Chapter 5.

(c) THEC is authorized to promulgate rules and regulations to effectuate the purposes of this part. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Title 4, Chapter 5.

(d) Notwithstanding the provisions of § 4-5-209 or any other law to the contrary, TSAC and THEC are authorized to promulgate public necessity rules to implement Section 1 of this act.

(e) Costs incurred by TSAC and THEC in administering the educational programs created under this part, which provide financial assistance to enable citizens of this state to attend postsecondary educational institutions, shall be funded from the lottery for education account as part of such programs.

SECTION 2. The General Assembly finds and declares that:

(1) The citizens of Tennessee in November 2002 approved an amendment to the Constitution of Tennessee to permit a state lottery, if the net proceeds of such lottery are used to provide financial assistance to Tennesseans to enable them to attend postsecondary institutions in this state, with excess proceeds used for capital outlay projects for K-12 educational facilities and early learning and after school programs;

(2) The availability of such financial assistance for postsecondary education should be structured to inspire students from a very early age to aspire to academic excellence in order to attend institutions of higher education;

(3) Such financial assistance should assist Tennesseans without the means the opportunity to attend institutions of higher education;

(4) Such financial assistance should be designed to increase the number of Tennesseans holding associate and baccalaureate degrees;

(5) The ultimate goal of such financial assistance should be to improve quality of life for all Tennesseans and to enhance the desirability of Tennessee as a place without equal in which to live and work; and

(6) The decision as to how to provide such financial assistance should be made after thorough study and deliberation.

SECTION 3. (a) There is created a special joint committee to study the manner in which financial assistance for Tennesseans to attend postsecondary institutions located in Tennessee shall be provided from net lottery proceeds of the state lottery established pursuant to Article XI, Section 5 of the Constitution of Tennessee.

(b) The committee shall consist of six (6) members of the House of Representatives and six (6) members of the Senate. The chairs of the Education Committees of the House of Representatives and the Senate and the chair of the higher education subcommittee of the Education Committee of the House of Representatives shall serve on the committee. The Speaker of the House shall appoint the remaining House members of the committee from the House of Representatives. The Speaker of the Senate shall appoint the remaining Senate members of the committee from the Senate.

(c) All appropriate state agencies shall provide assistance to the special joint committee.

(d) The special joint committee shall be convened by the member with the most years of continuous service in the General Assembly; and at its first meeting, the committee shall elect a chair, vice-chair, and such other officers as the committee deems necessary.

(e) The committee shall specifically review and study the ASPIRE scholarship as proposed during the 2003 session of the 103rd General Assembly as a program that inspires students at an early age to aspire to educational excellence.

(f) The committee shall report by February 15, 2004, to the 103rd General Assembly, its conclusions and any recommendations for modifications or changes that should be made in the manner in which financial assistance is provided under this act from lottery proceeds to Tennessee citizens to enable attendance at postsecondary institutions in this state, at which time the committee shall cease to exist.

SECTION 4. Tennessee Code Annotated, Section 49-6-101, is amended by deleting present subsection (f) and substituting the following:

(f)(1) Through a system of competitive grants and technical assistance provided as funding is available, the Department of Education may establish, administer and monitor programs of community-based early childhood education and pre-kindergarten programs to serve at least five thousand (5,000) children. Such programs shall be designed to address comprehensively the educational needs, including cognitive, physical, social and emotional, of children who are not otherwise eligible for similar programs or who do not have access to such programs. The programs shall serve:

(A) Children who are four (4) years of age on or before September 30 and from families with incomes that meet the eligibility requirements for free and reduced lunch as determined pursuant to 42 U.S.C. § 1771; and,

(B) Subject to availability of space and resources:

(i) children who are three (3) and four (4) years of age and who are screened and identified as educationally at-risk, determined pursuant to 20 U.S.C. § 1400 et seq.;

(ii) children who are three (3) and four (4) years of age who have been in the Tennessee Early Intervention Program (TEIS) or Even Start program; and

(iii) children three (3) years of age and from families with incomes that meet the eligibility requirements for free and reduced lunch as determined pursuant to 42 U.S.C. § 1771.

Enrollment in the program shall be voluntary.

(2) Any public or not-for-profit agency, meeting the criteria for 501(c)(3) tax exempt status, with experience serving children and in good fiscal standing, is eligible to contract with the Department of Education to perform the delivery of educational services in compliance with the rules promulgated and the policies adopted for early childhood education by the state board of education. All not-for-profit agencies, contracted to deliver the early childhood education and pre-kindergarten program, must demonstrate a collaborative agreement between the agency and the local education agency to enhance transition into the public schools, to monitor student performance outcomes as children are promoted through the elementary grade levels, and to evaluate early childhood education teachers for purposes of teacher licensure.

(3) The distribution of early childhood education and pre-kindergarten programs shall be developed in phases based on availability of funding and resources. Selection of early childhood education and pre-kindergarten program sites shall take into consideration the areas of greatest need which may be determined by, but not limited to:

(A) School service areas with high percentages of children from families with incomes that meet the eligibility requirements for free and reduced lunch as determined pursuant to 42 U.S.C. § 1771;

(B) Access to early childhood education and pre-kindergarten programs within the county; or

(C) Service areas of schools which have been determined to be "on notice or probation", as defined by § 49-1-602.

(4) All early childhood education and pre-kindergarten programs established under this subsection shall be developed through a collaborative effort of the Departments of Education, Health, Children's Services, and Human Services, and shall build upon resources and services within the community. Efforts should be made by the interdepartmental group to inform eligible families about enrollment in the early childhood education and pre-kindergarten programs, to address the health and social needs of children, and to assist working families to meet extended day child care needs.

(5) All provisions of this subsection are subject to appropriation of funds for that purpose. No provision of this subsection shall be considered an entitlement to any service or program authorized by this subsection unless funds are appropriated for such purpose.

SECTION 5. Tennessee Code Annotated, Title 4, Chapter 31, is amended by adding the following as a new, appropriately designated part:

§ 4-31-1001. This part shall be known and may be cited as the "Tennessee Lottery Funds for Education Projects Loan Act of 2003".

§ 4-31-1002. (a) The General Assembly finds and declares that:

(1) Financing costs incurred by local governments in connection with education projects are a significant factor in the ability of the local governments to meet the kindergarten through grade twelve (K-12) educational needs of their communities; and

(2) To the extent that financing of education projects can be accomplished less expensively through the pooling of needs and the use of less costly borrowing techniques, local governments would be better able to provide education projects, and other essential services for the benefit of its citizens and taxpayers.

(b)(1) It is accordingly in furtherance of the interests and welfare of all Tennesseans that the Tennessee local development authority shall be empowered and is hereby authorized to issue its revenue bonds and to make the proceeds available for loans to local government units for capital projects for K-12 educational purposes.

(2) It is intended that the Tennessee local development authority be vested with all powers necessary to accomplish these purposes.

§ 4-31-1003. As used in this part, unless the context otherwise requires:

(1) "Authority" means the Tennessee local development authority.

(2) "Construction" means the building, reconstruction, creation, replacement, extension, repairing, betterment, improvement, alteration, equipment, extension or acquisition, including, but not limited to, the acquisition of land and of rights in land, the engineering, architectural designs, plans, working drawings, specifications, procedures and other action necessary in the construction of such capital projects, and the inspection and supervision of such capital projects.

(3) "Education project" means a capital outlay project for kindergarten through grade twelve (K-12) educational facilities.

(4) "Local education agency" or "LEA" has the same meaning as defined in § 49-3-302.

§ 4-31-1004. (a) In addition to the powers otherwise granted by law, the authority has the power and is authorized to make loans to any local government unit to finance the construction of education projects pursuant to a loan agreement between the local government unit and the authority. Such loans shall be made from the proceeds of bonds or notes issued by the authority pursuant to this chapter for the purpose of making such loans, provided that the bonds and notes of the authority that may be outstanding at any time for such purpose shall not exceed seventy-five million dollars (\$75,000,000). Such bonds or notes may be payable from or secured by the

general shortfall reserve subaccount created by § 4-51-111 as the authority may provide in the indentures or resolutions authorizing and securing the authority's bonds and notes, which indentures and resolutions may include covenants with the holders of the bonds and notes with respect to the use, including limitations on such use, of such subaccount.

(b) Only local government units funding the local share of the basic education program for a local education agency shall be eligible to participate in the loan program.

§ 4-31-1005. (a) Subject to any existing contractual obligations of the local government unit and the local education agency, the authority may enter into loan agreements with any local government unit and any local government unit may enter into loan agreements with the authority for loans for education projects described in this part.

(b) Any loan agreement may include such provisions as may be agreed upon by the authority and the local government and shall additionally include, among other things, in substance, the following:

(1) The amount of the loan, not to exceed the estimated reasonable cost of the project to be constructed, the financing costs of the authority, the administrative costs of the authority and the amount of any required reserves as determined by the authority;

(2) An agreement by the authority to pay part of the amount of the loan to the local government unit during the progress of the construction, or to pay the amount of the loan following completion of the construction, as may be agreed upon by the parties; and

(3) An agreement by the local government unit:

(A) To proceed expeditiously with, and complete, construction of the project in accordance with the plans approved pursuant to this part;

(B) To commence operation of the project on its completion, and not to discontinue operations, change the use of or dispose of the project without the approval of the authority;

(C) To operate and maintain the project in accordance with applicable provisions of this part and in compliance with rules and regulations of the authority;

(D) Not to contract with any corporation for profit, private person or firm for the operation or beneficial use of the same, notwithstanding the provisions of any law authorizing such contracts, except upon approval by the authority of an application to the authority, which application shall include, but not be limited to, an opinion from a nationally recognized bond counsel that the contract will not affect the

tax exempt status of the income of the authority's bonds or notes financing such facility under state or federal law;

(E) To pledge such sources of revenue, including, but not limited to, the tax required by § 4-31-1006, to pay the principal of and interest on the loan and to make such payments as and when due in accordance with the loan agreement; and

(F) To establish and maintain adequate financial records for the project, and to cause to be made an annual audit of the financial records and transactions covering each fiscal year in accordance with generally accepted government auditing standards, and to furnish a copy of such audit and, upon request, such financial records to the comptroller of the treasury.

(c) The authority has the right to enter into such further agreements with a local government unit and require such further security as it may see fit prior to, or simultaneously with, the issuance of bonds or notes or to refuse to issue bonds or notes until such agreements or security, in any form which the authority may elect, are agreed to or are obtained.

(d) Failure of a local government unit to file the audit or, upon request, the financial information with the comptroller of the treasury as required by the loan agreement each year until the loan, together with interest, is totally repaid constitutes a Class A misdemeanor and anyone violating this provision, upon conviction, shall be liable for a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100) for each violation, within discretion of the court, and each day of continued violation constitutes a separate offense.

(e) The Department of Education, in conjunction with the authority, shall develop an application and review procedure for loans under this program and shall make recommendations to the authority as to loan applications.

(f) The authority and the department shall have such other authority as may be necessary or appropriate for the exercise of the powers and duties conferred by this part.

(g) Each local education agency is authorized to pledge to the authority, for the further security of the authority's bonds and notes, the state share of the nonclassroom capital outlay portion of the local education agency's basic education program funds as set forth in the formula model established or revised by the state board of education and approved by the General Assembly. These pledges may be required by the authority as a condition to making loans to local government units.

(h) The authority may promulgate additional guidelines, rules or regulations in furtherance of the administration of this part.

§ 4-31-1006. Whenever, and as often as, a local government unit enters into a loan agreement with the authority under the provisions of this part, the governing body of such local government unit shall provide by resolution for the levy and collection of a tax upon all taxable property within the local government unit sufficient

to pay when due all amounts payable under the loan agreement as and when such amounts become due and payable, including all fees and charges due the authority under such loan agreement and, furthermore, to pledge such tax and the full faith and credit of such local government unit to such payments; provided, that a special school district shall provide for the collection of such a tax upon the levy of the tax by the General Assembly or shall pledge sufficient amounts from previously authorized taxes to cover all amounts due. Such tax shall be assessed, levied, collected and paid in like manner as other taxes of the local government unit, except as the preceding proviso might apply. Such tax shall not be included within any statutory or other limitation of rate or amount for such local government, but shall be excluded therefrom and be in addition thereto and in excess thereof, notwithstanding and without regard to the prohibitions, restrictions or requirements of any other law, whether public or private. There shall be set aside from such tax levy into a special fund an amount sufficient for the payment of the annual amount due under any such loan agreement and such additional amounts as may be required by the loan agreement for reserves, and the money in such funds shall be used exclusively for such purposes and shall not be used for any other purpose until such annual amount has been paid in full or such reserve requirement has been fully satisfied.

§ 4-31-1007. (a) In the event any local government unit having entered into a loan agreement shall fail to remit funds in accordance with a loan agreement, the authority shall notify the Commissioner of Education who shall instruct the Commissioner of Finance and Administration to deliver within five (5) days notice of such failure to the local government unit.

(b) In the event the local government unit, as the case may be, shall fail to remit the amount set forth in the notice within thirty (30) days of the receipt of the notice, the Commissioner of Finance and Administration shall, without further authorization, withhold such sum or part of such sum from the state share of the nonclassroom capital outlay portion of the basic education program fund which is otherwise apportioned to such local education agency and pledged to the authority for the loan to such local government unit, for the benefit of the authority issuing bonds or notes for the purposes referred to in this part.

(c) In the event there are not sufficient funds in the state share of the nonclassroom capital outlay portion of the basic education program fund still held by the Commissioner of Finance and Administration for the local education agency to cure the deficiency in repayments to the authority, the commissioner shall transfer to the authority funds equal to the amount of the remaining payment deficiency from the general shortfall reserve subaccount of the lottery for education account as established by §4-51-111, subject to any limitations on the use of the subaccount established pursuant to § 4-31-1004(a). The Commissioner of Education shall instruct the Commissioner of Finance and Administration to withhold from the state share of nonclassroom capital outlay portion of subsequent basic education program funds apportioned to such local education agency an amount to replenish the general shortfall reserve subaccount of the lottery for education account equal to the amount transferred to the authority.

§ 4-31-1008. The authority has the right, in addition to all other rights, by mandamus or other suit, action or proceeding in any court of competent jurisdiction, to require the local government unit and the governing body and any proper officer,

agent or employee of the local government unit to carry out any agreements and to perform its and their duties under this part or any rule or regulation of the authority adopted pursuant thereto.

§ 4-31-1009. Local government units may enter into loan agreements under the provisions of this part notwithstanding and without regard to any limit on indebtedness provided by law.

§ 4-31-1010. All action required or authorized to be taken under this part by the governing body of any local government unit may be by resolution, which resolution may be adopted at the meeting of the governing body at which such resolution is introduced, and shall take effect immediately upon its adoption.

§ 4-31-1011. (a) This part shall be in addition to and supplemental to any other law providing for the financing of education projects by local government units.

(b) Notwithstanding any provisions of law to the contrary, no proceedings by a local government unit or local education agency shall be required for loan agreements hereunder, except as provided by this part.

(c) No requirements or restrictions applicable to borrowing by a local government unit contained in any other law shall be applicable to loans under this part.

§ 4-31-1012. (a) Any pledge made by the authority pursuant to this chapter or by a local government unit pursuant to a loan program agreement or by a local education agency in connection therewith shall be valid and binding from the time when the pledge is made, the moneys or property so pledged and thereafter received by the authority or local government unit, as applicable, shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, local government units or local education agency as applicable, irrespective of whether such parties have notice thereof.

(b) Neither the resolution nor any other instrument by which a pledge is created need be recorded.

SECTION 6. Tennessee Code Annotated, Section 4-31-105(b)(6), is amended by deleting the word "or" between the word "bondholders" and the words "to appoint".

SECTION 7. Tennessee Code Annotated, Section 4-31-107(f), is amended by deleting the existing language and by substituting instead the following:

(f) The authority is hereby authorized to issue its bonds and notes in such manner as provided by this chapter.

SECTION 8. The provisions of this act providing for postsecondary financial assistance from the net proceeds of the state lottery shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. (a) Sections 4, 5, 6, and 7 of this act shall take effect July 1, 2004, the public welfare requiring it.

(b) All other sections of this act shall take effect upon becoming law, the public welfare requiring it.

Senator Cohen moved that the Senate concur in House Amendment No. 7 to **Senate Bill No. 437**, which motion prevailed by the following vote:

Ayes	31
Noes	1
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Senator voting no was: McNally--1.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 8

AMEND by deleting subsection (d) of amendatory § 49-4-920 of Section 1 of the bill as amended and by substituting instead the following:

(d) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary assistance from the net proceeds of the state lottery, a Tennessee HOPE access grant shall be fifty percent (50%) of the combined award of the supplemental award under § 49-4-915 and the Tennessee HOPE scholarship awarded under § 49-4-914 that is applicable to Tennessee HOPE scholarship recipients at the eligible postsecondary institution at which the Tennessee HOPE access grant recipient is enrolled.

Senator Cohen moved that the Senate concur in House Amendment No. 8 to **Senate Bill No. 437**, which motion prevailed by the following vote:

Ayes	32
Noes	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron,

THURSDAY, MAY 22, 2003 -- 44TH LEGISLATIVE DAY

Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 9

AMEND by adding the following new section immediately preceding the severability section and by renumbering subsequent sections accordingly:

SECTION _____. Tennessee HOPE scholarships, Tennessee HOPE access grants, General Assembly Merit Scholarships, and supplemental awards under § 49-4-915, shall be awarded under the provisions of this act only to those eligible students who graduate from a Tennessee high school, complete high school in a Tennessee home school program, or obtain a GED, after January 1, 2003, but prior to July 1, 2005, and who enroll in and attend an eligible postsecondary institution before January 1, 2006. Such students shall be eligible to receive such scholarships and grants in accordance with § 49-4-913 or § 49-4-920, as such provisions are applicable to the scholarship or grant the student is receiving.

Senator Cohen moved that the Senate concur in House Amendment No. 9 to **Senate Bill No. 437**, which motion prevailed by the following vote:

Ayes	31
Noes	1
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Senator voting no was: Herron--1.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 10

AMEND by adding the language "Mental Health and Developmental Disabilities," between the language "Health," and the language "Children's Services" in the amendatory language of subdivision (f)(4) of Section 4 of the bill as amended.

Senator Cohen moved that the Senate concur in House Amendment No. 10 to **Senate Bill No. 437**, which motion prevailed by the following vote:

Ayes	31
Noes	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 11

AMEND by deleting from House Finance, Ways and Means Committee Amendment No. 5 (draft 007588) the amendatory language "500" and by substituting instead "525".

HOUSE AMENDMENT NO. 11

AMEND by designating the existing language of subdivision (2) of § 49-4-908 of Section 1 of the bill as amended as subdivision (2)(A) and by deleting at the end of that subdivision the language "; and" and by substituting instead the language ", if such student completed high school in a Tennessee home school program or graduated from a high school located in Tennessee that is not an eligible high school; or".

AND FURTHER AMEND by adding as a new, appropriately designated subdivision at the end of subdivision (2) of § 49-4-908 of Section 1 of the bill as amended the following:

(2)(B) Pass the GED tests with an average score of at least 500 and attain a composite ACT score of at least 19 on any single ACT test date or a combined SAT score of at least 890 on any single SAT test date, if such student obtained a GED; and

AND FURTHER AMEND by deleting subdivision (a)(2)(B) of amendatory § 49-4-909 of Section 1 of the bill as amended and by substituting instead the following:

(a)(2)(B)(i) Meet the requirements of subdivision (2)(A) of § 49-4-908, if the student completed high school in a Tennessee home school program or graduated from a high school located in Tennessee that is not an eligible high school; or

(ii) Meet the requirements of subdivision (2)(B) of § 49-4-908, if the student obtained a GED;

Senator Cohen moved that the Senate concur in House Amendment No. 11, as amended, to **Senate Bill No. 437**, which motion prevailed by the following vote:

Ayes	32
Noes	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 13

AMEND by adding the word "and" at the end of item (2) of amendatory § 49-4-907 of Section 1 of the bill as amended and by deleting items (3), (4), and (5) of amendatory § 49-4-907 of Section 1 of the bill as amended and by substituting instead the following:

(3)(A)(i) Achieve a final overall unweighted high school grade point average of at least 3.0; and

(ii) Achieve a final unweighted grade point average of at least 3.0 in the college core curriculum. Such grade point average shall be calculated using all college core courses taken by the student; or

(B) Attain a composite ACT score of at least 19 on any single ACT test date or a combined SAT score of at least 890 on any single SAT test date.

AND FURTHER AMEND by deleting the language "subdivisions (3)-(5)" in subdivision (a)(2)(A) of amendatory § 49-4-908 of Section 1 of the bill as amended and by substituting instead the language "subdivision (3)".

Senator Cohen moved that the Senate concur in House Amendment No. 13 to **Senate Bill No. 437**, which motion prevailed by the following vote:

Ayes	29
Noes	3
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder --29.

Senators voting no were: Bryson, Herron and McNally--3.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of May 26, 2003, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes	32
Noes	0

THURSDAY, MAY 22, 2003 -- 44TH LEGISLATIVE DAY

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

TENNESSEE STATE SENATE 103rd GENERAL ASSEMBLY

PROPOSED SCHEDULE FOR THE WEEK OF MAY 26, 2003

MONDAY – MAY 26

No Session – State Holiday

TUESDAY – MAY 27

10:00 a.m. – 2:00 p.m.	Finance, Ways & Means Committee
2:00 p.m. – 5:00 p.m.	Judiciary Committee
5:00 p.m.	Session – Senate Chamber

WEDNESDAY – MAY 28

8:30 a.m. – 11:30 a.m.	Finance, Ways & Means Committee
11:30 a.m. – 12:30 p.m.	Lunch
12:30 p.m. – 2:30 p.m.	Government Operations Committee
3:00 p.m.	Session – Senate Chamber

THURSDAY – MAY 29

9:00 a.m.	Session – Senate Chamber
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FRIDAY – MAY 30

NOTE: The following committees have finished and will meet again only at the call of the chair:

Commerce, Labor & Agriculture Committee
Education Committee
Environment, Conservation & Tourism Committee
General Welfare, Health & Human Resources Committee
State & Local Government Committee
Transportation Committee

CALENDAR

Senate Bill No. 61 -- Safety -- Clarifies that nothing in child safety belt law prevents mother from attending to child's other physiological needs; restores language removed from child restraint law in 102nd General Assembly. Amends TCA Section 55-9-602, as amended.

Senator Jackson moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following language to the end of subsection (a) of Section 1, as amended:

While it is recommended that any child under one (1) year of age, or any child weighing twenty (20) pounds or less, always be transported in the rear seat, if the front passenger air bag is disabled or inoperative then such child may be transported in the front or rear seat while in a child passenger restraint system in a rear facing position meeting federal motor vehicle safety standards.

Pursuant to Rule 39(3), Amendment No. 3 failed for the lack of a two-thirds majority by the following vote:

Ayes	13
Noes	16
Present, not voting . . .	1

Senators voting aye were: Beavers, Burks, Crowe, Crutchfield, Ford, Fowler, Jackson, Kurita, McNally, Miller, Ramsey, Southerland and Trail--13.

Senators voting no were: Atchley, Bryson, Burchett, Dixon, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, McLeary, Norris, Person, Williams and Mr. Speaker Wilder--16.

Senator present and not voting was: Kyle--1.

Thereupon, **Senate Bill No. 61**, as amended, passed its third and final consideration by the following vote:

Ayes	24
Noes	6

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Norris, Person, Trail, Williams and Mr. Speaker Wilder--24.

Senators voting no were: Beavers, Crowe, Fowler, Miller, Ramsey and Southerland--6.

A motion to reconsider was tabled.

Senate Bill No. 610 -- Judicial Officers -- Requires budgets of district attorneys general, public defenders, and court system to include funding provided or available from any source, and limits expenditures by district attorneys general from Fraud and Economic Crime fund. Amends TCA Title 4; Title 8; Title 16; Title 17; Title 18; Title 39 and Title 40.

On motion, Senate Bill No. 610 was made to conform with **House Bill No. 837**.

On motion, House Bill No. 837, on same subject, was substituted for Senate Bill No. 610.

Senator Jackson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-3-202, is amended by deleting that section in its entirety and by substituting instead the following language:

§ 40-3-202. (a) The intent of this part is to provide district attorneys general of this state the resources necessary to deal effectively with fraud, economic, and other crimes, and to provide a means for obtaining restitution in bad check cases prior to the institution of formal criminal charges. Subject to the limitations of Section 40-3-209(b), the use of any monies collected under the provisions of this part shall be directly related to fulfilling the prosecutorial duties of the district attorney general of the district and shall include, but not be limited to, the following:

(1) The enhancement of such resources as may already be available in each district for the prosecution of bad check cases, fraud and other economic crimes and to increase assistance to the victims of such crimes by aiding in the collection of restitution;

(2) The hiring of expert witnesses including, but not limited to, computer specialists, as the need arises;

(3) The expenses of specialized training for staff members to enhance their knowledge of methods of combating fraud and economic crimes and general criminal law enforcement when funds for such training are not available; provided, that payment for such training shall be limited to in-state programs unless the district attorney general determines that such training is essential and not reasonably available within the State of Tennessee;

(4) Matching federal grants directly related to prosecutorial duties of the district attorney general;

(5) Salaries and salary supplements, which may only be paid through the district attorneys general conference for support staff (subject to the limitation of Section 40-3-209(b) of the use of any funds to supplement the salary of any assistant district attorneys); provided, that not later than January 1, 2004, the district attorneys general conference shall perform, or cause to be performed, a classification/compensation study of support staff reasonably required for the effective operation of district attorneys general offices;

(6) The purchase of equipment and supplies necessary to carry out the purposes of this part; and

(7) The expenses of travel in the performance of official duties of the office that are directly related to prosecution of fraud and economic crimes and general criminal law enforcement when funds for such travel are not available, subject to the limitations of the State of Tennessee comprehensive travel regulations. No monies collected under the provisions of this part shall be used to pay travel expenses in excess of the rates authorized under state travel regulations.

SECTION 2. Tennessee Code Annotated, Section 40-3-207, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) The clerk in each county shall deposit all such fees in an account with the county trustee in the county of the district attorney general's residence, and expenditures from this fund shall be made by the district attorney general only for the purposes provided in Section 40-3-202.

SECTION 3. Tennessee Code Annotated, Section 40-3-208, is amended by deleting that section in its entirety and by substituting instead the following language:

§ 40-3-208. The district attorney general and assistant district attorneys general, district attorney general's investigators, district attorney general's secretaries and any other employee of the district attorney general shall not be civilly or criminally liable for acts performed pursuant to this part or in furtherance of the purposes of this part except as such acts relate to expenditure of and accounting for monies collected under the provisions of this part.

SECTION 4. Tennessee Code Annotated, Section 40-3-209, is amended by deleting subsection (b) in its entirety and by substituting instead the following language:

(b) The district attorney general shall not use any of the funds collected pursuant to this part to supplement such district attorney general's salary, or to supplement the salary of any assistant district attorney general or other employee of a district attorney general, except as provided in Section 40-3-202(a)(5); provided, that should the State of Tennessee not have funds available to pay the salary and benefits of any district attorney general, assistant district attorney general or other employee of a district attorney general's office authorized by law to receive pay and benefits from the State of Tennessee, then in that event each district attorney general shall have the authority to transfer an amount from such funds sufficient to meet such district attorney general's office payroll to the state general fund, earmarked for payment of the salaries and benefits of the employees of the transferring district attorney general, so long as such funds exist. In no case shall any salaries and benefits so paid be greater than those otherwise authorized by state law. Funds collected pursuant to this part shall be expended only in furtherance of the purposes of this part.

SECTION 5. This act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **House Bill No. 837**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

RECESS

Senator Crutchfield moved the Senate stand in recess until 2:00 p.m today, which motion prevailed.

CALL TO ORDER

The Senate was called to order at 2:00 p.m. by Mr. Speaker Wilder.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

CALENDAR

FURTHER ACTION ON HOUSE BILL NO. 837, AS AMENDED

Senator Jackson moved to lift from the table a motion to reconsider on **House Bill No. 837**, as amended, which motion prevailed.

Senator Jackson moved that the Senate reconsider its action in passing **House Bill No. 837**, as amended, which motion prevailed.

Senator Jackson moved that the Senate reconsider its action in adopting Amendment No. 1 to **House Bill No. 837**, which motion prevailed.

Senator Jackson moved that Amendment No. 1 to **House Bill No. 837** be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 837** was repassed on third and final consideration by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Crowe, Crutchfield, Dixon, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

MOTION

Senator Kyle moved that Rule 39 be suspended for the purpose of allowing amendments to any bill on the calendar for Tuesday, May 27, 2003, be considered timely filed until 12:00 noon, which motion prevailed.

MOTION

Senator Crutchfield moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 639**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 639 -- General Assembly, Recess & Reconvene -- Recesses General Assembly until Tuesday, May 27, 2003.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 639** was concurred in by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that the rules be suspended for the immediate consideration of **Senate Bill No. 2035**, out of order, which motion prevailed.

Senate Bill No. 2035 -- Jonesborough -- Subject to local approval, transfers authority over town recorder from board of mayor and aldermen to town administrator, authorizes creation of second city judge or assistant city judge. Amends Chapter 135 of the Acts of 1903; as amended.

On motion, Senate Bill No. 2035 was made to conform with **House Bill No. 2118**.

On motion, House Bill No. 2118, on same subject, was substituted for Senate Bill No. 2035.

Thereupon, **House Bill No. 2118** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

NOTICE

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 481, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to return Senate Bill No. 1647. The House lifted from the table the motion to reconsider its action on Senate Bill No. 1647. The House reconsidered Senate Bill No. 1647. The House reconsidered House Amendment No. 1, withdrew Amendment No. 1 and repassed Senate Bill No. 1647 on third and final consideration.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 622, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2073. The House nonconcurred in Senate Amendments Nos. 21 and 32.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 751, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

CALENDAR

Mr. Speaker Wilder moved that **Senate Bill No. 642** be placed on the calendar for Tuesday, May 27, 2003, which motion prevailed.

Senator Graves moved that **Senate Bill No. 1198** be placed at the heel of the calendar for today, which motion prevailed.

Senator Crutchfield moved that **Senate Bill No. 1992** be placed behind **Senate Bill No. 1994**, which motion prevailed.

Senate Bill No. 1994 -- Appropriations -- Makes appropriations for fiscal years 2002-2003, 2003-2004.

On motion, Senate Bill No. 1994 was made to conform with **House Bill No. 2074**.

On motion, House Bill No. 2074, on same subject, was substituted for Senate Bill No. 1994.

Senator Henry moved that Amendments Nos. 1, 2, and 3 be withdrawn, which motion prevailed.

Senator Henry moved to amend as follows:

AMENDMENT NO. 4

AMEND in Section 29 by deleting Item 2 and substituting the following:

Item 2. Each higher education institution, including technology centers, shall report to the Commissioner of Finance and Administration, the Tennessee higher education commission, and the office of legislative budget analysis, the actual amount of expenditures for maintenance and operation of the physical plant, exclusive of utilities, for the fiscal year, and any deviation in these expenditures from the amounts recommended in the funding formula for these purposes, prorated to reflect actual funding levels appropriated in this act.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. Any appropriation by the provisions of this act for funding of methadone treatment is subject to the following requirements:

(1) The Department of Mental Health, the Department of Health and the TennCare Bureau shall evaluate the effectiveness of the methadone treatment program and the extent to which methadone treatment shall be funded at current levels;

(2) Any reductions in funding for methadone treatment shall be redirected to other programs within mental health that would qualify for federal matching funds; and

(3) No payments for methadone treatment shall be made to patients, and future payments shall be made only to methadone treatment facilities, pursuant to a process developed by the department.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. The General Assembly recognizes that demands on available state revenue are such that it may be necessary to establish priorities among state services and programs

and to revise the methods of allocating state resources. Therefore, it is the legislative intent that local governments should consider in undertaking long-term obligations based on state payments, specifically state per diem payments for housing state inmates in local jails, that existing payments may be reduced or eliminated in the future and such not be regarded as the principal source of funding for debt repayment obligations.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$525,100 to the Department of Health for the sole purpose of continuing the residential homes for the aged reimbursement program. It is the legislative intent that this appropriation be a recurring item.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$22,000 for the sole purpose of implementing Senate Bill No. 1746 / House Bill No. 1802, relative to filing of franchise and excise tax returns, if such bill becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. It is recognized that if Senate Bill No. 396 / House Bill No. 590 becomes a law, local governments may experience an increase in expenditures of up to \$100,000.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$4,000 to fund the first year's amortized cost of implementing Senate Bill No. 434 / House Bill No. 739, relative to allowing retired teachers to return to employment as elected local officials without loss of retirement benefits, if such bill becomes a law.

AND FURTHER AMEND by adding the following new items at the end of Section 12:

Item _____. There is appropriated from departmental revenue available from the Tennessee education lottery corporation a sum sufficient to the comptroller of the treasury for the sole purpose of funding increased costs necessary for the comptroller to conduct audits and other activities related to implementation and administration of a state lottery, if legislation implementing a state lottery becomes law. From this appropriation, the comptroller of the treasury is authorized to establish additional positions, subject to prior review and approval by the Commissioner of Finance and Administration.

Item _____. There is appropriated from departmental revenue available from the Tennessee education lottery corporation a sum sufficient to the Tennessee Bureau of Investigation for the sole purpose of recognizing increased costs necessary for the TBI to conduct criminal background checks and other activities related to implementation and administration of a state lottery, if legislation implementing a state lottery becomes law. From this appropriation, the TBI is authorized to establish additional positions, subject to prior review and approval by the Commissioner of Finance and Administration.

Item _____. There is appropriated from departmental revenue available from the Tennessee education lottery corporation a sum sufficient to the office of legislative administration for the sole purpose of funding costs of the select committee on the Tennessee education lottery corporation, if legislation implementing a state lottery becomes law.

Item _____. There is appropriated from recurring departmental revenue available from the Tennessee education lottery corporation the sum of \$8,500 to the Department of Finance and Administration pursuant to Tennessee Code Annotated, Section 9-4-210, for the sole purpose of funding incarceration costs related to a state lottery, if legislation implementing a state lottery becomes law.

AND FURTHER AMEND by adding the following new items at the end of Section 12:

Item _____. There is appropriated from departmental revenue from the lottery for education account a sum sufficient to the Tennessee Student Assistance Corporation (TSAC) for the sole purpose of funding costs of implementing a state lottery scholarship program, if legislation providing for such scholarship program becomes law. From this appropriation, TSAC is authorized to establish additional positions, subject to prior review and approval by the Commissioner of Finance and Administration.

Item _____. There is appropriated from departmental revenue from the lottery for education account a sum sufficient to the Tennessee Higher Education Commission (THEC) for the sole purpose of funding costs of implementing a state lottery scholarship program, if legislation providing for such scholarship program becomes law. From this appropriation, THEC is authorized to establish additional positions, subject to prior review and approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding a new item at the end of Section 36 as follows:

Item _____. To the Independent Tax Structure Study Commission in Section 12, Item 20.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. From funds in the Statutory Reserve Fund established by Tennessee Code Annotated, Section 4-31-108(i), a sum sufficient not to exceed one million dollars (\$1,000,000), is hereby appropriated to the Tennessee Local Development Authority to be loaned to local government units for the purpose of acquisition and improvement of certain mental health and mental retardation facilities.

AND FURTHER AMEND by adding the following new item at the end of Section 10, to be numbered appropriately:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,500,000 to the state-shared revenue reduction mitigation account.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the purpose of funding early childhood education programs. It is the legislative intent that the amount of these funds be limited to the amount needed to provide continued funding of programs previously funded through federal Temporary Assistance to Needy Families (TANF) funds. This appropriation is subject to Senate Bill No. 1 / House Bill No. 1, and Senate Bill No. 437 / House Bill No. 787, becoming law, and authorizing the use or appropriation of funds for early childhood education.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 for the purpose of restoring reductions in state funding of family resource centers.

Senator Henry called for the Division of the Question on Amendment No. 4, which is as follows:

DIVISION NO. 1

AMEND in Section 29 by deleting Item 2 and substituting the following:

Item 2. Each higher education institution, including technology centers, shall report to the Commissioner of Finance and Administration, the Tennessee higher education commission, and the office of legislative budget analysis, the actual amount of expenditures for maintenance and operation of the physical plant, exclusive of utilities, for the fiscal year, and any deviation in these expenditures from the amounts recommended in the funding formula for these purposes, prorated to reflect actual funding levels appropriated in this act.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. Any appropriation by the provisions of this act for funding of methadone treatment is subject to the following requirements:

(1) The Department of Mental Health, the Department of Health and the TennCare Bureau shall evaluate the effectiveness of the methadone treatment program and the extent to which methadone treatment shall be funded at current levels;

(2) Any reductions in funding for methadone treatment shall be redirected to other programs within mental health that would qualify for federal matching funds; and

(3) No payments for methadone treatment shall be made to patients, and future payments shall be made only to methadone treatment facilities, pursuant to a process developed by the department.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. The General Assembly recognizes that demands on available state revenue are such that it may be necessary to establish priorities among state services and programs and to revise the methods of allocating state resources. Therefore, it is the legislative intent

that local governments should consider in undertaking long-term obligations based on state payments, specifically state per diem payments for housing state inmates in local jails, that existing payments may be reduced or eliminated in the future and such not be regarded as the principal source of funding for debt repayment obligations.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$22,000 for the sole purpose of implementing Senate Bill No. 1746 / House Bill No. 1802, relative to filing of franchise and excise tax returns, if such bill becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. It is recognized that if Senate Bill No. 396 / House Bill No. 590 becomes a law, local governments may experience an increase in expenditures of up to \$100,000.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$4,000 to fund the first year's amortized cost of implementing Senate Bill No. 434 / House Bill No. 739, relative to allowing retired teachers to return to employment as elected local officials without loss of retirement benefits, if such bill becomes a law.

AND FURTHER AMEND by adding the following new items at the end of Section 12:

Item _____. There is appropriated from departmental revenue available from the Tennessee education lottery corporation a sum sufficient to the comptroller of the treasury for the sole purpose of funding increased costs necessary for the comptroller to conduct audits and other activities related to implementation and administration of a state lottery, if legislation implementing a state lottery becomes law. From this appropriation, the comptroller of the treasury is authorized to establish additional positions, subject to prior review and approval by the Commissioner of Finance and Administration.

Item _____. There is appropriated from departmental revenue available from the Tennessee education lottery corporation a sum sufficient to the Tennessee Bureau of Investigation for the sole purpose of recognizing increased costs necessary for the TBI to conduct criminal background checks and other activities related to implementation and administration of a state lottery, if legislation implementing a state lottery becomes law. From this appropriation, the TBI is authorized to establish additional positions, subject to prior review and approval by the Commissioner of Finance and Administration.

Item _____. There is appropriated from departmental revenue available from the Tennessee education lottery corporation a sum sufficient to the office of legislative administration for the sole purpose of funding costs of the select committee on the Tennessee education lottery corporation, if legislation implementing a state lottery becomes law.

Item _____. There is appropriated from recurring departmental revenue available from the Tennessee education lottery corporation the sum of \$8,500 to the Department of Finance

and Administration pursuant to Tennessee Code Annotated, Section 9-4-210, for the sole purpose of funding incarceration costs related to a state lottery, if legislation implementing a state lottery becomes law.

AND FURTHER AMEND by adding the following new items at the end of Section 12:

Item _____. There is appropriated from departmental revenue from the lottery for education account a sum sufficient to the Tennessee Student Assistance Corporation (TSAC) for the sole purpose of funding costs of implementing a state lottery scholarship program, if legislation providing for such scholarship program becomes law. From this appropriation, TSAC is authorized to establish additional positions, subject to prior review and approval by the Commissioner of Finance and Administration.

Item _____. There is appropriated from departmental revenue from the lottery for education account a sum sufficient to the Tennessee Higher Education Commission (THEC) for the sole purpose of funding costs of implementing a state lottery scholarship program, if legislation providing for such scholarship program becomes law. From this appropriation, THEC is authorized to establish additional positions, subject to prior review and approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding a new item at the end of Section 36 as follows:

Item _____. To the Independent Tax Structure Study Commission in Section 12, Item 20.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. From funds in the Statutory Reserve Fund established by Tennessee Code Annotated, Section 4-31-108(i), a sum sufficient not to exceed one million dollars (\$1,000,000), is hereby appropriated to the Tennessee Local Development Authority to be loaned to local government units for the purpose of acquisition and improvement of certain mental health and mental retardation facilities.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the purpose of funding early childhood education programs. It is the legislative intent that the amount of these funds be limited to the amount needed to provide continued funding of programs previously funded through federal Temporary Assistance to Needy Families (TANF) funds. This appropriation is subject to Senate Bill No. 1 / House Bill No. 1, and Senate Bill No. 437 / House Bill No. 787, becoming law, and authorizing the use or appropriation of funds for early childhood education.

Senator Henry moved that Division No. 1 be withdrawn, which motion prevailed.

DIVISION NO. 2

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$525,100 to the Department of Health for the sole purpose

of continuing the residential homes for the aged reimbursement program. It is the legislative intent that this appropriation be a recurring item.

AND FURTHER AMEND by adding the following new item at the end of Section 10, to be numbered appropriately:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,500,000 to the state-shared revenue reduction mitigation account.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 for the purpose of restoring reductions in state funding of family resource centers.

Senator Henry moved that Division No. 2 be adopted, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--29.

Senator Fowler moved to amend as follows:

AMENDMENT NO. 5

AMEND by adding the following new item at the end of Section 10:

Item _____. Any funds appropriated by the provisions of this act for teacher salary equity, except those previously required to implement the provisions of Tennessee Code Annotated, Section 49-3-366, shall be paid to the affected local education agencies in two (2) equal payments, one to be made in December 2003 and the second to be made in June 2004.

Senator Kyle moved that Amendment No. 5 go to the table, which motion prevailed by the following vote:

Ayes	17
Noes	10

Senators voting aye were: Beavers, Burks, Crutchfield, Dixon, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller and Trail--17.

Senators voting no were: Atchley, Bryson, Burchett, Crowe, Fowler, Ketron, Norris, Person, Ramsey and Southerland--10.

Senator Fowler moved that Amendment No. 6 be withdrawn, which motion prevailed.

Senator Norris moved that Amendment No. 7 be withdrawn, which motion prevailed.

Senator Norris moved that Amendment No. 8 be withdrawn, which motion prevailed.

Senator McNally moved to amend as follows:

AMENDMENT NO. 9

AMEND by adding the following as a new item at the end of Section 10:

Item ____ The sum of forty-two million dollars (\$42,000,000) in state funds out of the appropriation made by Section 1, Title III-25 for the TennCare program is hereby placed in a reserve which shall be available for the TennCare program only at such time as the director of the Bureau of TennCare certifies to the comptroller that the bureau has established adequate internal controls over eligibility and applications, and has corrected administrative and program deficiencies detailed in the June 30, 2002 audit report of the comptroller.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 9

AMEND by adding the following language at the end of the amendatory item:

If the director determines that the bureau is unable to correct all of the deficiencies, they are to report to the comptroller the reason why they cannot correct the deficiencies and an estimated time of when the director feels he will have them addressed.

On motion, Amendment No. 1 to Amendment No. 9 was adopted by the following vote:

Ayes	19
Noes	3
Present, not voting . . .	9

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Fowler, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--19.

Senators voting no were: Graves, Kurita and McLeary--3.

Senators present and not voting were: Dixon, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle and Trail--9.

RECESS

Senator Crutchfield moved the Senate stand in recess for five minutes, which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Wilder.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

FURTHER ACTION ON HOUSE BILL NO. 2074, AS AMENDED

Senator McNally moved that Amendment No. 9, as amended, be withdrawn, which motion prevailed.

Senator McNally moved that Amendment No. 10 be withdrawn, which motion prevailed.

Senator McLeary moved that Amendment No. 11 be withdrawn, which motion prevailed.

Senator Ramsey moved to amend as follows:

AMENDMENT NO. 12

AMEND by adding the following language to the end of the amendment:

AND FURTHER AMEND by inserting immediately after the paragraph that reads as follows in Section 23 of the printed bill:

No state agency shall establish new programs nor expand programs, including any programs involving federal or other funds, beyond the scope of those already established, recognized and approved by the legislature, as reflected in the revised summaries cited above, until the program and the availability of the money is submitted by the Commissioner of Finance and Administration to the Finance, Ways and Means Committee chairmen and until said committee chairmen have acknowledged in writing receipt thereof, to the Commissioner of Finance and Administration. Provided, however, that capital outlay program projects and the availability of funding shall be submitted to the State Building Commission to be acknowledged.

the following new paragraph:

Notwithstanding the provisions of the preceding paragraph or any other law to the contrary, **IF** the state receives any grant from the U.S. government pursuant to a financial aid program to ameliorate state budget shortfalls and deficits, **AND IF** receipt of the grant is not conditioned upon use of the grant for defrayal of state health care costs; **THEN** the grant shall not be expended, or in any way obligated, for the TennCare Program **UNLESS** such expenditure or obligation is specifically authorized by appropriation of the General Assembly enacted subsequent to receipt of the grant. Notwithstanding any provision of this act to the contrary, the provisions of this paragraph shall take effect on becoming a law, the public welfare requiring it.

THURSDAY, MAY 22, 2003 -- 44TH LEGISLATIVE DAY

Pursuant to Rule 39(3), Amendment No. 12 failed for the lack of a two-thirds majority by the following vote:

Ayes	15
Noes	14
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Clabough, Cohen, Crowe, Fowler, Ketron, McNally, Miller, Norris, Person, Ramsey and Southerland--15.

Senators voting no were: Burks, Crutchfield, Dixon, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary and Trail--14.

Senator present and not voting was: Mr. Speaker Wilder--1.

Senator Cohen moved that Amendment No. 13 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2074**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--29.

Senator voting no was: Cohen--1.

A motion to reconsider was tabled.

Senate Bill No. 1992 -- Bond Issues -- Authorizes issuance and sale of bonds in amount not to exceed \$118,000,000 to fund state projects.

On motion, Senate Bill No. 1992 was made to conform with **House Bill No. 2072**.

On motion, House Bill No. 2072, on same subject, was substituted for Senate Bill No. 1992.

Senator Henry moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2072** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 1198 -- Children -- Allows parents to execute valid waiver of liability for injuries incurred by minor child. Amends TCA Title 37.

On motion, Senate Bill No. 1198 was made to conform with **House Bill No. 1058**.

On motion, House Bill No. 1058, on same subject, was substituted for Senate Bill No. 1198.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-103(a)(2), is amended by deleting the subdivision it its entirety and re-designating subsequent subdivisions accordingly.

SECTION 2. Tennessee Code Annotated, Section 37-1-104, is amended by adding the following language as a new, appropriately designated subsection:

(f) Notwithstanding any provision of law to the contrary, the juvenile court has concurrent jurisdiction with the circuit and chancery court of proceedings to establish the paternity of children born out of lawful wedlock and to determine any custody, visitation, support, education or other issues regarding the care and control of children born out of wedlock. The court further has the power to enforce its orders. Nothing in this subsection shall be construed as vesting the circuit and chancery court with jurisdiction over matters that are in the exclusive jurisdiction of the juvenile court under § 37-1-103.

SECTION 3. This act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **House Bill No. 1058**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

MOTION

Senator Person moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1559** on the calendar for the Committee on Judiciary for Tuesday, May 27, 2003, which motion prevailed.

MOTION

Senator Harper moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 602** on the calendar for the Committee on Government Operations for Wednesday, May 28, 2003, which motion prevailed.

MOTION

Senator Crutchfield moved to amend the Schedule to allow the Committee on Finance, Ways and Means to meet from 12:00 noon until 4:00 p.m., on Tuesday, May 27, 2003, followed by the Committee on Judiciary to meet from 4:00 p.m., to 5:00 p.m.; furthermore, the Committee on Government Operations to meet from 12:00 noon to 2:30 p.m., on Wednesday, May 28, 2003, which motion prevailed.

MOTION

Senator Jackson moved that **Senate Bill No. 518** be rereferred to the Committee on Finance, Ways and Means, which motion prevailed.

MOTION

Senator Kyle moved that **House Bill No. 2073** be returned to the House, which motion prevailed.

MOTION

On motion of Senator Henry, his name was added as sponsor of **Senate Joint Resolution No. 455**.

On motion of Senator Kurita, her name was added as sponsor of **Senate Joint Resolutions Nos. 456 and 457**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 437 and 477; and Senate Resolution No. 92**.

On motion of Senators Beavers, Graves, Harper and Trail, their names were added as sponsors of **House Joint Resolution No. 581**.

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolution No. 580**.

On motion of Senator Dixon, his name was added as sponsor of **Senate Bill No. 437**.

On motion of Senator Cohen, his name was added as sponsor of **Senate Resolution No. 91**.

ENGROSSED BILLS

May 22, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 479 and 480; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 22, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 61, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 223, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2074, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2072, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 837, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1650, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1359, 1494, 1498, 1530 and 2107; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 907, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2120 and 2121, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 259 and 538, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 453, 525, 526 and 537; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 543, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 630, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 627, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 639, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

May 22, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 90, 91, 92 and 93; and Senate Joint Resolutions Nos. 259 and 538; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

May 22, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 453, 481, 525, 526 and 537; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

May 22, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 63, 460, 533, 718, 734, 882, 1200, 1658, 1687, 1721, 1935, 1954, 1955 and 1959; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 560, 561, 562, 563, 565, 566, 567, 568, 569, 570, 571, 573, 574, 575, 576, 577 and 578; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

May 22, 2003

The Speaker announced that he had signed the following: Senate Bills Nos. 63, 460, 533, 718, 734, 882, 1200, 1658, 1687, 1721, 1935, 1954, 1955 and 1959; and Senate Joint Resolutions Nos. 453, 481, 525, 526 and 537.

SIGNED

May 22, 2003

The Speaker announced that he had signed the following: Senate Resolutions Nos. 90, 91, 92 and 93; Senate Joint Resolutions Nos. 259 and 538; and House Joint Resolutions Nos. 560, 561, 562, 563, 565, 566, 567, 568, 569, 570, 571, 573, 574, 575, 576, 577 and 578.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 453, 481, 525, 526 and 537; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 22, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2, 53, 63, 166, 427, 460, 479, 533, 718, 734, 795, 882, 949, 1189, 1200, 1262, 1383, 1474, 1475, 1562, 1611, 1627, 1650, 1658, 1687, 1721, 1813, 1815, 1819, 1935, 1954, 1955, 1959, 1974 and 1979; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 23, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 259 and 538, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 22, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 453, 481, 525, 526 and 537; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 22, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 438, 439, 440, 441, 442, 443, 444, 445, 446, 449 and 454; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 23, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 2, 53, 63, 166, 427, 460, 479, 533, 718, 734, 795, 882, 949, 1189, 1200, 1262, 1383, 1474, 1475, 1562, 1611, 1627, 1650, 1658, 1687, 1721, 1813, 1815, 1819, 1935, 1954, 1955, 1959, 1974 and 1979; and Senate Joint Resolutions Nos. 259 and 538; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 22, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 694; and Senate Joint Resolutions Nos. 362, 368, 369, 370, 371, 372, 374, 375, 377, 392, 405, 406, 407, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431 and 448; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

THURSDAY, MAY 22, 2003 -- 44TH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

May 23, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 111, 281, 509, 764, 806, 879, 940, 1471, 1862 and 1927; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Tuesday, May 27, 2003: House Joint Resolutions Nos. 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 623, 624 and 626; Senate Joint Resolutions Nos. 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 539, 540, 541, 542, 543, 544, and 545; and Senate Resolutions Nos. 94, 95 and 96.

This the 22nd day of May, 2003.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Tuesday, May 27, 2003: House Joint Resolutions Nos. 61, 189 and 485; and Senate Bills Nos. 249, 731, 947, 948, 952, 1467, 1649, 1781, 2001, 2002 and 2021.

This the 22nd day of May, 2003.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Tuesday, May 27, 2003: House Joint Resolution No. 189; House Bill No. 1803; Senate Joint Resolutions Nos. 142, 214, 241 and 242; Senate Bills Nos. 12, 248, 349, 518, 704, 951, 1024, 1025, 1027, 1035, 1272, 1371, 1470, 1480, 1485, 1487, 1587, 1598, 1718, 1782, 1812 and 1860; House Bill No. 1469; Senate Bills Nos. 642 and 1858; House Joint Resolution No. 579; and Senate Bills Nos. 497, 942 and 1022.

This the 22nd day of May, 2003.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Tuesday, May 27, 2003: Senate Bills Nos. 2030, 2034, 2035 and 2038.

THURSDAY, MAY 22, 2003 -- 44TH LEGISLATIVE DAY

**SENATE
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Tuesday, May 27, 2003: House Bills Nos. 466, 1606 and 1946; and Senate Bills Nos. 128, 263, 481, 622, 751, 792 and 1085.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn pursuant to **House Joint Resolution No. 639** until 5:00 p.m., Tuesday, May 27, 2003, which motion prevailed.